

1 AN ACT concerning alternative treatment for serious
2 diseases causing chronic pain and debilitating conditions.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 1. Short title. This Act may be cited as the
6 Compassionate Use of Medical Cannabis Pilot Program Act.

7 Section 5. Findings.

8 (a) The recorded use of cannabis as a medicine goes back
9 nearly 5,000 years. Modern medical research has confirmed the
10 beneficial uses of cannabis in treating or alleviating the
11 pain, nausea, and other symptoms associated with a variety of
12 debilitating medical conditions, including cancer, multiple
13 sclerosis, and HIV/AIDS, as found by the National Academy of
14 Sciences' Institute of Medicine in March 1999.

15 (b) Studies published since the 1999 Institute of Medicine
16 report continue to show the therapeutic value of cannabis in
17 treating a wide array of debilitating medical conditions. These
18 include relief of the neuropathic pain caused by multiple
19 sclerosis, HIV/AIDS, and other illnesses that often fail to
20 respond to conventional treatments and relief of nausea,
21 vomiting, and other side effects of drugs used to treat
22 HIV/AIDS and hepatitis C, increasing the chances of patients
23 continuing on life-saving treatment regimens.

1 (c) Cannabis has many currently accepted medical uses in
2 the United States, having been recommended by thousands of
3 licensed physicians to at least 600,000 patients in states with
4 medical cannabis laws. The medical utility of cannabis is
5 recognized by a wide range of medical and public health
6 organizations, including the American Academy of HIV Medicine,
7 the American College of Physicians, the American Nurses
8 Association, the American Public Health Association, the
9 Leukemia & Lymphoma Society, and many others.

10 (d) Data from the Federal Bureau of Investigation's Uniform
11 Crime Reports and the Compendium of Federal Justice Statistics
12 show that approximately 99 out of every 100 cannabis arrests in
13 the U.S. are made under State law, rather than under federal
14 law. Consequently, changing State law will have the practical
15 effect of protecting from arrest the vast majority of seriously
16 ill patients who have a medical need to use cannabis.

17 (e) Alaska, Arizona, California, Colorado, Hawaii, Maine,
18 Michigan, Montana, Nevada, New Mexico, New Jersey, Oregon,
19 Vermont, Rhode Island, Washington State, and Washington, D.C.
20 have removed state-level criminal penalties from the medical
21 use and cultivation of cannabis. Illinois joins in this effort
22 for the health and welfare of its citizens.

23 (f) States are not required to enforce federal law or
24 prosecute people for engaging in activities prohibited by
25 federal law. Therefore, compliance with this act does not put
26 the state of Illinois in violation of federal law.

1 (g) State law should make a distinction between the medical
2 and non-medical uses of cannabis. Hence, the purpose of this
3 Act is to protect patients with debilitating medical
4 conditions, as well as their physicians and providers, from
5 arrest and prosecution, criminal and other penalties, and
6 property forfeiture if such patients engage in the medical use
7 of cannabis.

8 Section 10. Definitions. The following terms, as used in
9 this Act, shall have the meanings set forth in this Section:

10 (a) "Adequate supply" means:

11 (1) 2.5 ounces of usable cannabis during a period of 14
12 days and that is derived solely from an intrastate source;

13 (2) Subject to the rules of the Department, a patient
14 may apply for a waiver where a physician provides a
15 substantial medical basis in a signed, written statement
16 asserting that, based on the patient's medical history, in
17 the physician's professional judgment, 2.5 ounces is an
18 insufficient adequate supply for a 14-day period to
19 properly alleviate the patient's debilitating medical
20 condition or symptoms associated with the debilitating
21 medical condition;

22 (3) This subsection shall not be construed to authorize
23 the possession of more than 2.5 ounces at any time without
24 authority from the Department.

25 (b) "Cannabis" has the meaning given that term in Section 3

1 of the Cannabis Control Act.

2 (c) "Cardholder" means a qualifying patient or a designated
3 caregiver who has been issued and possesses a valid registry
4 identification card.

5 (d) "Debilitating medical condition" means one or more of
6 the following:

7 (1) cancer, glaucoma, positive status for human
8 immunodeficiency virus, acquired immune deficiency
9 syndrome, hepatitis C, amyotrophic lateral sclerosis,
10 Crohn's disease, agitation of Alzheimer's disease,
11 cachexia/wasting syndrome, muscular dystrophy, severe
12 fibromyalgia, spinal cord disease, including but not
13 limited to arachnoiditis, Tarlov cysts, hydromyelia,
14 syringomyelia, spinal cord injury, traumatic brain injury
15 and post-concussion syndrome, Multiple Sclerosis,
16 Arnold-Chiari malformation & Syringomyelia,
17 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
18 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD
19 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
20 (Complex Regional Pain Syndromes Type II),
21 Neurofibromatosis, Chronic Inflammatory Demyelinating
22 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
23 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
24 syndrome, or the treatment of these conditions; or

25 (2) any other debilitating medical condition or its
26 treatment shall be added by the Department by rule as

1 provided for in Section 30.

2 (e) "Department" means the Department of Public Health or
3 its successor agency.

4 (f) "Designated caregiver" means a person who:

5 (1) is at least 21 years of age;

6 (2) has agreed to assist with a patient's medical use
7 of cannabis;

8 (3) has not been convicted of an excluded offense; and

9 (4) assists no more than one qualifying patient with
10 his or her medical use of cannabis.

11 (g) "Enclosed, locked facility" means a closet, room,
12 greenhouse, building, or other enclosed area equipped with
13 locks or other security devices that permit access only by a
14 nonprofit medical cannabis organization's agents working for
15 the registered nonprofit medical cannabis organization to
16 cultivate the plants for a registered qualifying patient.

17 (h) "Excluded offense" means:

18 (1) a violent crime defined in Section 3 of the Rights
19 of Crime Victims and Witnesses Act or a substantially
20 similar offense that was classified as a felony in the
21 jurisdiction where the person was convicted; or

22 (2) a violation of a state or federal controlled
23 substance law that was classified as a felony in the
24 jurisdiction where the person was convicted, except that
25 the Department shall waive this restriction if the person
26 demonstrates to the Department's satisfaction that his or

1 her conviction was for the possession, cultivation,
2 transfer, or delivery of a reasonable amount of cannabis
3 intended for medical use. This exception shall not apply if
4 the conviction was under state law and involved a violation
5 of an existing medical cannabis law.

6 (i) "Nonprofit medical cannabis organization agent" means
7 a principal officer, board member, employee, or agent of a
8 registered nonprofit medical cannabis organization who is 21
9 years of age or older and has not been convicted of an excluded
10 offense.

11 (j) "Nonprofit medical cannabis organization agent
12 identification card" means a document issued by the Department
13 that identifies a person as a nonprofit medical cannabis
14 organization agent.

15 (k) "Medical use" means the acquisition; administration;
16 delivery; possession; transfer; transportation; or use of
17 cannabis or paraphernalia relating to the administration of
18 cannabis to treat or alleviate a registered qualifying
19 patient's debilitating medical condition or symptoms
20 associated with the patient's debilitating medical condition.

21 (l) "Physician" means a doctor of medicine or doctor of
22 osteopathy licensed under the Medical Practice Act of 1987 to
23 practice medicine in all its branches who has the authority to
24 prescribe drugs to humans under Article III of the Illinois
25 Controlled Substances Act. It does not include a licensed
26 practitioner under any other Act including but not limited to

1 the Illinois Dental Practice Act. In relation to a visiting
2 qualifying patient, "physician" means a person who is licensed
3 as a doctor of medicine or doctor of osteopathy who has
4 authority to prescribe drugs to humans in the state of the
5 patient's residence.

6 (m) "Qualifying patient" means a person who has been
7 diagnosed by a physician as having a debilitating medical
8 condition. "Qualifying patient" does not include active public
9 safety personnel. For the purposes of this Act, "active public
10 safety personnel" means a person who is not off work due to a
11 permanent or temporary disability and who is a non-retired: (1)
12 law enforcement officer, (2) paramedic, (3) emergency medical
13 technician, (4) firefighter, or (5) State or county
14 correctional officer.

15 (n) "Registered nonprofit medical cannabis organization"
16 means a not-for-profit entity that:

17 (1) is organized pursuant to the General Not for Profit
18 Corporation Act of 1986 provided that it has not been
19 formed by a for-profit entity organized under the laws of
20 this or any other state;

21 (2) is registered with the Department pursuant to
22 Section 65; and

23 (3) acquires, possesses, cultivates, manufactures,
24 delivers, transfers, transports, sells, supplies, or
25 dispenses cannabis, paraphernalia, or related supplies and
26 educational materials to registered qualifying patients.

1 Nothing in this subsection (n) shall be construed as
2 prohibiting a nonprofit medical cannabis organization from
3 receiving payment for all expenses incurred in its operation.

4 (o) "Registry identification card" means a document issued
5 by the Department that identifies a person as a registered
6 qualifying patient or registered designated caregiver.

7 (p) "Usable cannabis" means the flowers of the cannabis
8 plant and any mixture or preparation thereof, but does not
9 include the seeds, stalks, and roots of the plant. It does not
10 include the weight of any non-cannabis ingredients combined
11 with cannabis, such as ingredients added to prepare a topical
12 administration, food, or drink.

13 (q) "Verification system" means a Web-based system
14 established and maintained by the Department that is available
15 to law enforcement personnel and nonprofit medical cannabis
16 organization agents on a 24-hour basis for the verification of
17 registry identification cards.

18 (r) "Visiting qualifying patient" means a person who:

19 (1) has been diagnosed with a debilitating medical
20 condition;

21 (2) possesses a valid registry identification card, or
22 its equivalent, that was issued pursuant to the laws of
23 another state, district, territory, commonwealth, insular
24 possession of the United States, or country recognized by
25 the United States that allows the person to use cannabis
26 for medical purposes in the jurisdiction of issuance; and

1 (3) is not a resident of Illinois and has been visiting
2 Illinois for 30 days or less or who has been a resident of
3 Illinois for less than 30 days.

4 (s) "Written certification" means a document dated and
5 signed by a physician, stating (1) that in the physician's
6 professional opinion the patient is likely to receive
7 therapeutic or palliative benefit from the medical use of
8 cannabis to treat or alleviate the patient's debilitating
9 medical condition or symptoms associated with the debilitating
10 medical condition; (2) that the qualifying patient has a
11 debilitating medical condition and specifying what
12 debilitating medical condition the qualifying patient has; and
13 (3) that the patient is under the physician's care for the
14 debilitating medical condition. A written certification shall
15 be made only in the course of a bona fide physician-patient
16 relationship, after the physician has completed an assessment
17 of the qualifying patient's medical history upon a complete
18 review of records related to the patient's debilitating
19 condition and conducted a physical exam. A bona fide
20 physician-patient relationship under this subsection is a
21 privileged communication within the meaning of Section 8-802 of
22 the Code of Civil Procedure.

23 Section 15. Immunities and presumptions related to the
24 medical use of cannabis.

25 (a) A registered qualifying patient shall not be subject to

1 arrest, prosecution, or denial of any right or privilege,
2 including but not limited to civil penalty or disciplinary
3 action by an occupational or professional licensing board, for
4 the medical use of cannabis in accordance with this Act, if the
5 registered qualifying patient possesses an amount of cannabis
6 that does not exceed an adequate supply as defined in
7 subsection (a) of Section 10 of this Act of usable cannabis.

8 (b) A registered designated caregiver shall not be subject
9 to arrest, prosecution, or denial of any right or privilege,
10 including but not limited to civil penalty or disciplinary
11 action by an occupational or professional licensing board, for
12 acting in accordance with this Act to assist a registered
13 qualifying patient to whom he or she is connected through the
14 Department's registration process with the medical use of
15 cannabis if the designated caregiver possesses an amount of
16 cannabis that does not exceed an adequate supply as defined in
17 subsection (a) of Section 10 of this Act of usable cannabis.

18 The total amount possessed between the qualifying patient and
19 caregiver shall not exceed the patient's adequate supply as
20 defined in subsection (a) of Section 10 of this Act.

21 (c) (1) A visiting qualifying patient shall not be subject
22 to arrest, prosecution, or denial of any right or privilege,
23 including but not limited to civil penalty or disciplinary
24 action by an occupational or professional licensing board, for
25 the medical use of cannabis pursuant to this Act if the
26 visiting qualifying patient does not possess more than an

1 adequate supply of usable cannabis. A visiting qualifying
2 patient may not purchase cannabis from a nonprofit medical
3 dispensary until he or she receives a written certification
4 from an Illinois physician and an Illinois registry card as
5 provided for under this Act.

6 (2) If a person in possession of no more than an adequate
7 supply of usable cannabis claims to be a visiting qualifying
8 patient, but the law enforcement agent is not able to verify
9 the registry identification card or its equivalent or that the
10 person has been in the State for 30 days or less, the agent may
11 issue the visiting qualifying patient a summons for possession
12 of cannabis. The summons shall be dismissed if the person
13 demonstrates his or her status as a visiting qualifying
14 patient.

15 (d) A registered qualifying patient, visiting qualifying
16 patient, or registered designated caregiver shall not be
17 subject to arrest, prosecution, or denial of any right or
18 privilege, including but not limited to civil penalty or
19 disciplinary action by a occupational or professional
20 licensing board for possession of cannabis that is incidental
21 to medical use, but is not usable cannabis as defined in this
22 Act.

23 (e)(1) There shall be a rebuttable presumption that a
24 qualifying patient is engaged in, or a designated caregiver is
25 assisting with, the medical use of cannabis in accordance with
26 this Act if the qualifying patient or designated caregiver:

1 (A) is in possession of a valid registry identification
2 card; and

3 (B) is in possession of an amount of cannabis that does
4 not exceed the amount allowed under subsection (a) of
5 Section 10.

6 (2) The presumption may be rebutted by evidence that
7 conduct related to cannabis was not for the purpose of treating
8 or alleviating the qualifying patient's debilitating medical
9 condition or symptoms associated with the debilitating medical
10 condition in compliance with this Act.

11 (f) A physician shall not be subject to arrest,
12 prosecution, or penalty in any manner, or denied any right or
13 privilege, including but not limited to civil penalty or
14 disciplinary action by the Medical Disciplinary Board or by any
15 other occupational or professional licensing board, solely for
16 providing written certifications or for otherwise stating
17 that, in the physician's professional opinion, a patient is
18 likely to receive therapeutic or palliative benefit from the
19 medical use of cannabis to treat or alleviate the patient's
20 debilitating medical condition or symptoms associated with the
21 debilitating medical condition, provided that nothing shall
22 prevent a professional licensing board from sanctioning a
23 physician for:

24 (1) issuing a written certification to a patient who is
25 not under the physician's care for a debilitating medical
26 condition; or

1 (2) failing to properly evaluate a patient's medical
2 condition or otherwise violating the standard of care for
3 evaluating medical conditions.

4 (g) No person may be subject to arrest, prosecution, or
5 denial of any right or privilege, including but not limited to
6 civil penalty or disciplinary action by an occupational or
7 professional licensing board, solely for:

8 (1) selling cannabis paraphernalia to a cardholder
9 upon presentation of an unexpired registry identification
10 card in the recipient's name;

11 (2) being in the presence or vicinity of the medical
12 use of cannabis as allowed under this Act; or

13 (3) assisting a registered qualifying patient with the
14 act of administering cannabis.

15 (h) A registered nonprofit medical cannabis organization
16 shall not be subject to prosecution; search or inspection,
17 except by the Department pursuant to subsection (r) of Section
18 85; seizure; or penalty in any manner, or be denied any right
19 or privilege, including but not limited to civil penalty or
20 disciplinary action by a business licensing board or entity,
21 for acting pursuant to this Act and Department rules to:
22 acquire, possess, cultivate, manufacture, deliver, transfer,
23 transport, supply, sell, or dispense cannabis or related
24 supplies and educational materials to registered qualifying
25 patients who have designated the medical cannabis organization
26 to provide for them, to registered designated caregivers on

1 behalf of the registered qualifying patients who have
2 designated the registered nonprofit medical cannabis
3 organization.

4 (i) A nonprofit medical cannabis organization agent shall
5 not be subject to prosecution, search, or penalty in any
6 manner, or be denied any right or privilege, including but not
7 limited to civil penalty or disciplinary action by a business
8 licensing board or entity, for working or volunteering for a
9 registered nonprofit medical cannabis organization pursuant to
10 this Act and Department rules, including to perform the actions
11 listed under subsection (h).

12 (j) Any cannabis, cannabis paraphernalia, licit property,
13 or interest in licit property that is possessed, owned, or used
14 in connection with the medical use of cannabis as allowed under
15 this Act, or acts incidental to such use, shall not be seized
16 or forfeited. This Act shall not prevent the seizure or
17 forfeiture of cannabis exceeding the amounts allowed under this
18 Act, nor shall it prevent seizure or forfeiture if the basis
19 for the action is unrelated to the cannabis that is possessed,
20 manufactured, transferred, or used pursuant to this Act.

21 (k) Mere possession of, or application for, a registry
22 identification card or registration certificate shall not
23 constitute probable cause or reasonable suspicion, nor shall it
24 be used as the sole basis to support the search of the person,
25 property, or home of the person possessing or applying for the
26 registry identification card. The possession of, or

1 application for, a registry identification card shall not
2 preclude the existence of probable cause if probable cause
3 exists on other grounds.

4 (1) Nothing in this Act shall preclude law enforcement from
5 searching a registered nonprofit medical cannabis organization
6 where there is probable cause to believe that the criminal laws
7 of this State have been violated and the search is conducted in
8 conformity with the Illinois Constitution and the Constitution
9 of the United States.

10 Section 20. Limitations and penalties.

11 (a) This Act shall not permit any person to engage in, and
12 does not prevent the imposition of any civil, criminal, or
13 other penalties for engaging in, the following conduct:

14 (1) Undertaking any task under the influence of
15 cannabis, when doing so would constitute negligence or
16 professional malpractice;

17 (2) Possessing cannabis, or otherwise engaging in the
18 medical use of cannabis:

19 (A) in a school bus;

20 (B) on the grounds of any preschool or primary or
21 secondary school; or

22 (C) in any correctional facility.

23 (3) Smoking cannabis:

24 (A) on any form of public transportation; or

25 (B) in any public place.

1 (4) Operating, navigating, or being in actual physical
2 control of any motor vehicle, aircraft, or motorboat while
3 under the influence of cannabis in violation of Sections
4 11-501 and 11-501.9 of the Illinois Vehicle Code.

5 (5) Using cannabis if that person does not have a
6 debilitating medical condition.

7 (6) Allowing any person who is not allowed to use
8 cannabis under this Act to use cannabis that a cardholder
9 is allowed to possess pursuant to this Act.

10 (7) Transferring cannabis to any person contrary to the
11 provisions of this Act.

12 (b) Nothing in this Act shall be construed to prevent the
13 arrest or prosecution of a registered qualifying patient for
14 reckless driving or driving under the influence of cannabis
15 where probable cause exists.

16 (c) Notwithstanding all other criminal penalties related
17 to the unlawful possession of cannabis, fraudulent
18 representation to a law enforcement official of any fact or
19 circumstance relating to the medical use of cannabis to avoid
20 arrest or prosecution is a petty offense punishable by a fine
21 of up to \$1,000, which shall be in addition to any other
22 penalties that may apply for making a false statement or for
23 the use of cannabis other than use undertaken pursuant to this
24 Act.

25 (d) Notwithstanding all other criminal penalties related
26 to the unlawful possession of cannabis, any person who

1 fraudulently represents a medical condition to a physician or
2 fraudulently provides material misinformation to a physician
3 in order to obtain written certification is guilty of a petty
4 offense punishable by a fine of up to \$1,000.

5 (e) Any cardholder or registered caregiver who sells
6 cannabis shall have his or her registry identification card
7 revoked and shall be subject to other penalties for the
8 unauthorized sale of cannabis.

9 (f) Any registered qualifying patient who commits a
10 violation of Section 11-501.9 of the Illinois Vehicle Code or
11 refuses a properly requested test related to operating a motor
12 vehicle while under the influence of cannabis shall have his or
13 her registry identification card revoked.

14 (g) No registered qualifying patient or designated
15 caregiver shall knowingly obtain, seek to obtain, or possess,
16 individually or collectively, an amount of usable cannabis from
17 a registered nonprofit medical cannabis organization that
18 would cause him or her to exceed the authorized adequate supply
19 under subsection (a) of Section 10.

20 Section 25. Discrimination prohibited.

21 (a)(1) No school, employer, or landlord may refuse to
22 enroll or lease to, or otherwise penalize, a person solely for
23 his or her status as a registered qualifying patient or a
24 registered designated caregiver, unless failing to do so would
25 put the school, employer, or landlord in violation of federal

1 law or unless failing to do so would cause it to lose a
2 monetary or licensing-related benefit under federal law or
3 rules. This shall not prevent a landlord from prohibiting the
4 smoking of cannabis on the premises.

5 (2) For the purposes of medical care, including organ
6 transplants, a registered qualifying patient's authorized use
7 of cannabis in accordance with this Act shall be considered the
8 equivalent of the authorized use of any other medication used
9 at the direction of a physician, and shall not constitute the
10 use of an illicit substance or otherwise disqualify a
11 qualifying patient from needed medical care.

12 (b) A person otherwise entitled to custody of or visitation
13 or parenting time with a minor shall not be denied such a
14 right, and there shall be no presumption of neglect or child
15 endangerment, for conduct allowed under this Act, unless the
16 person's actions in relation to cannabis were such that they
17 created an unreasonable danger to the safety of the minor as
18 established by clear and convincing evidence.

19 (c) No school, landlord, or employer may be penalized or
20 denied any benefit under state law for enrolling, leasing to,
21 or employing a cardholder.

22 (d) Nothing in this Act may be construed to require a
23 government medical assistance program or private health
24 insurer to reimburse a person for costs associated with the
25 medical use of cannabis.

26 (e) Nothing in this Act may be construed to require any

1 person or establishment in lawful possession of property to
2 allow a guest, client, customer, or visitor to smoke cannabis
3 on or in that property.

4 Section 30. Addition of debilitating medical conditions.
5 Any citizen may petition the Department to add debilitating
6 conditions or treatments to the list of debilitating medical
7 conditions listed in subsection (d) of Section 10. The
8 Department shall consider petitions in the manner required by
9 Department rule, including public notice and hearing. The
10 Department shall approve or deny a petition within 180 days of
11 its submission, and, upon approval, shall proceed to add such
12 condition by rule. The approval or denial of any petition is a
13 final decision of the Department, subject to judicial review.
14 Jurisdiction and venue are vested in the Circuit Court.

15 Section 35. Employment; employer liability.

16 (a) Nothing in this Act shall prohibit an employer from
17 adopting reasonable regulations concerning the consumption,
18 storage, or timekeeping requirements for qualifying patients
19 related to the use of medical cannabis.

20 (b) Nothing in this Act shall prohibit an employer from
21 enforcing a policy concerning drug testing, zero-tolerance, or
22 a drug free workplace provided such policy is applied in a
23 nondiscriminatory manner.

24 (c) Nothing in this Act shall limit an employer from

1 disciplining a qualifying patient for violating a workplace
2 drug policy.

3 (d) Nothing in this Act shall limit an employer's ability
4 to discipline an employee for failing a drug test if failing to
5 do so would put the employer in violation of federal law or
6 cause it to lose a federal contract or funding.

7 (e) Nothing in this Act shall be construed to create a
8 defense for a third party who fails a drug test.

9 (f) An employer may consider a qualifying patient to be
10 impaired when he or she manifests specific, articulable
11 symptoms while working that decrease or lessen his or her
12 performance of the duties or tasks of the employee's job
13 position, including symptoms of the employee's speech,
14 physical dexterity, agility, coordination, demeanor,
15 irrational or unusual behavior, negligence or carelessness in
16 operating equipment or machinery, disregard for the safety of
17 the employee or others, or involvement in an accident that
18 results in serious damage to equipment or property, disruption
19 of a production or manufacturing process, or carelessness that
20 results in any injury to the employee or others. If an employer
21 elects to discipline a qualifying patient under this
22 subsection, it must afford the employee a reasonable
23 opportunity to contest the basis of the determination.

24 (g) Notwithstanding subsection (b), an employer may
25 presume a registered qualifying patient to be impaired where
26 the level of cannabis in the person's blood or urine is greater

1 than the limits set for in subsection (b) of Section 11-501.9
2 of the Illinois Vehicle Code.

3 (h) Nothing in this Act shall be construed to create or
4 imply a cause of action for any person against an employer for:

5 (1) actions based on the employer's good faith belief
6 that a registered qualifying patient used or possessed
7 cannabis while on the employer's premises or during the
8 hours of employment;

9 (2) actions based on the employer's good faith belief
10 that a registered qualifying patient was impaired while
11 working on the employer's premises during the hours of
12 employment;

13 (3) injury or loss to a third party so long as the
14 employer neither knew nor had reason to know that the
15 employee was impaired.

16 (i) Nothing in this Act shall be construed to interfere
17 with any federal restrictions on employment including but not
18 limited to the United States Department of Transportation
19 regulation 49 CFR 40.151(e).

20 Section 40. Registration of qualifying patients and
21 designated caregivers.

22 (a) The Department shall issue registry identification
23 cards to qualifying patients who submit the following, in
24 accordance with the Department's rules:

25 (1) a written certification, on a form developed by the

1 Department and issued by a physician, within 90 days
2 immediately preceding the date of an application;

3 (2) upon the execution of applicable privacy waivers,
4 the patient's medical documentation related to his or her
5 debilitating condition and any other information that may
6 be reasonably required by the Department to confirm that
7 the physician and patient have a bona fide
8 physician-patient relationship, that the qualifying
9 patient is in the physician's care for his or her
10 debilitating medical condition, and to substantiate the
11 patient's diagnosis;

12 (3) the application or renewal fee;

13 (4) the name, address, and date of birth of the
14 qualifying patient, except that if the applicant is
15 homeless no address is required;

16 (5) the name, address, and telephone number of the
17 qualifying patient's physician;

18 (6) the name, address, and date of birth of the
19 designated caregiver, if any, chosen by the qualifying
20 patient;

21 (7) the name of the registered nonprofit medical
22 cannabis organization the qualifying patient designates;
23 and

24 (8) signed statements from the patient and designated
25 caregiver asserting that they will not divert medical
26 cannabis.

1 Section 45. Issuance of registry identification cards.

2 (a) Except as provided in subsection (b), the Department
3 shall:

4 (1) Verify the information contained in an application
5 or renewal submitted pursuant to this Act, and approve or
6 deny an application or renewal, within 30 days of receiving
7 a completed application or renewal application.

8 (2) Issue registry identification cards to a
9 qualifying patient and his or her designated caregiver, if
10 any, within 5 days of approving the application or renewal.

11 (3) Enter the registry identification number of the
12 registered nonprofit medical cannabis organization the
13 patient designates into the verification system.

14 (b) The Department shall not issue a registry
15 identification card to a qualifying patient who is younger than
16 18 years of age unless:

17 (1) the qualifying patient's physician has explained
18 the potential risks and benefits of the medical use of
19 cannabis to the custodial parent or legal guardian with
20 responsibility for health care decisions for the
21 qualifying patient; and

22 (2) the custodial parent or legal guardian with
23 responsibility for health care decisions for the
24 qualifying patient consents in writing to:

25 (A) allow the qualifying patient's medical use of

1 cannabis;

2 (B) serve as the qualifying patient's designated
3 caregiver; and

4 (C) control the acquisition of the cannabis, the
5 dosage, and the frequency of the medical use of
6 cannabis by the qualifying patient.

7 (c) The registry identification card of or its equivalent
8 that is issued under the laws of another state, district,
9 territory, commonwealth, or insular possession of the United
10 States that allows that visiting qualifying patient to possess
11 or use medical cannabis shall not authorize a visiting
12 qualifying patient to obtain cannabis from a registered
13 nonprofit medical cannabis dispensary.

14 (d) A veteran who has received treatment at a VA hospital
15 may have a bona fide physician-patient relationship so long as
16 the doctor has taken over an aspect of care related to the
17 debilitating condition and the patient meets all other
18 statutory requirements. All reasonable inferences regarding
19 the existence of a bona fide physician-patient relationship
20 shall be drawn in favor of any applicant who is a veteran and
21 has undergone treatment at a VA hospital.

22 (e) Upon the approval of the registration and issuance of a
23 registry card under this Section, the Department shall forward
24 the patient's drivers license number to the Secretary of State
25 and certify that the individual is permitted to engage in the
26 medical use of cannabis. For the purposes of law enforcement,

1 the Secretary of State shall make a notation on the person's
2 driving record stating the person is a qualifying patient who
3 is entitled to the lawful medical use of cannabis. If the
4 person no longer holds a valid registry card, the Department
5 shall notify the Secretary of State and the Secretary of State
6 shall remove the notation from the person's driving record. The
7 Department and the Secretary of State may establish a system by
8 which such information may be shared electronically.

9 Section 50. Denial of registry identification cards.

10 (a) The Department may deny an application or renewal of a
11 qualifying patient's registry identification card only if the
12 applicant:

13 (1) did not provide the required information and
14 materials;

15 (2) previously had a registry identification card
16 revoked;

17 (3) did not meet the requirements of this Act; or

18 (4) provided false or falsified information.

19 (b) The Department may deny an application or renewal for a
20 designated caregiver chosen by a qualifying patient whose
21 registry identification card was granted only if:

22 (1) the designated caregiver does not meet the
23 requirements of subsection (f) of Section 10;

24 (2) the applicant did not provide the information
25 required;

- 1 (3) the prospective patient's application was denied;
- 2 (4) the designated caregiver previously had a registry
- 3 identification card revoked; or
- 4 (5) the applicant or the designated caregiver provided
- 5 false or falsified information.

6 (c) The Department shall conduct a background check of the

7 prospective designated caregiver in order to carry out this

8 provision. Each person applying as a designated caregiver shall

9 submit a full set of fingerprints to the Department for the

10 purpose of obtaining a state and federal criminal records

11 check. The Department may exchange this data with the Federal

12 Bureau of Investigation without disclosing that the records

13 check is related to this Act. The Department shall destroy each

14 set of fingerprints after the criminal records check is

15 completed.

16 (d) The Department shall notify the qualifying patient who

17 has designated someone to serve as his or her designated

18 caregiver if a registry identification card will not be issued

19 to the designated caregiver.

20 (e) Denial of an application or renewal is considered a

21 final Department action, subject to judicial review.

22 Jurisdiction and venue for judicial review are vested in the

23 Circuit Court.

24 Section 55. Registry identification cards. A qualifying

25 patient or designated caregiver must keep their registry

1 identification card in their possession at all times when
2 engaging in the medical use of cannabis.

3 (a) Registry identification cards shall contain all of the
4 following:

5 (1) the name of the cardholder;

6 (2) a designation of whether the cardholder is a
7 designated caregiver or qualifying patient;

8 (3) the date of issuance and expiration date of the
9 registry identification card;

10 (4) a random 10-digit alphanumeric identification
11 number, containing at least 4 numbers and at least 4
12 letters, that is unique to the cardholder;

13 (5) if the cardholder is a designated caregiver, the
14 random 10-digit alphanumeric identification number of the
15 qualifying patient the designated caregiver is receiving
16 the registry identification card to assist; and

17 (6) a photograph of the cardholder, if the Department's
18 rules require one.

19 (b) Except as provided in this subsection, the expiration
20 date shall be one year after the date of issuance.

21 (c) The Department may, at its discretion, electronically
22 store in the card any or all of the information listed in
23 subsection (a), along with the address and date of birth of the
24 cardholder, to allow it to be read by law enforcement agents.

25 Section 60. Notifications to Department and responses;

1 civil penalty.

2 (a) The following notifications and Department responses
3 are required:

4 (1) A registered qualifying patient shall notify the
5 Department of any change in his or her name or address, or
6 if the registered qualifying patient ceases to have his or
7 her debilitating medical condition, within 10 days of the
8 change.

9 (2) A registered designated caregiver shall notify the
10 Department of any change in his or her name or address, or
11 if the designated caregiver becomes aware the qualifying
12 patient passed away, within 10 days of the change.

13 (3) Before a registered qualifying patient changes his
14 or her designated caregiver, the qualifying patient must
15 notify the Department.

16 (4) If a cardholder loses his or her registry
17 identification card, he or she shall notify the Department
18 within 10 days of becoming aware the card has been lost.

19 (b) When a cardholder notifies the Department of items
20 listed in subsection (a), but remains eligible under this Act,
21 the Department shall issue the cardholder a new registry
22 identification card with a new random 10-digit alphanumeric
23 identification number within 10 days of receiving the updated
24 information and a \$20 fee. If the person notifying the
25 Department is a registered qualifying patient, the Department
26 shall also issue his or her registered designated caregiver, if

1 any, a new registry identification card within 10 days of
2 receiving the updated information.

3 (c) If a registered qualifying patient ceases to be a
4 registered qualifying patient or changes his or her registered
5 designated caregiver, the Department shall promptly notify the
6 designated caregiver. The registered designated caregiver's
7 protections under this Act as to that qualifying patient shall
8 expire 15 days after notification by the Department.

9 (d) A cardholder who fails to make a notification to the
10 Department that is required by this Section is subject to a
11 civil infraction, punishable by a penalty of no more than \$150.

12 (e) A registered qualifying patient shall notify the
13 Department before changing his or her designated registered
14 nonprofit medical cannabis organization and pay a \$20 fee. The
15 Department must, within 5 business days of receiving the
16 notification, update the registered qualifying patient's entry
17 in the identification registry system to reflect the change in
18 designation and notify the patient that the change has been
19 processed.

20 (f) If the registered qualifying patient's certifying
21 physician notifies the Department in writing that either the
22 registered qualifying patient has ceased to suffer from a
23 debilitating medical condition or that the physician no longer
24 believes the patient would receive therapeutic or palliative
25 benefit from the medical use of cannabis, the card shall become
26 null and void. However, the registered qualifying patient shall

1 have 15 days to destroy his or her remaining medical cannabis
2 and related paraphernalia.

3 Section 65. Registration of nonprofit medical cannabis
4 organization.

5 (a) Nonprofit medical cannabis organizations may only
6 operate if they have been issued a valid registration
7 certificate from the Department. When applying for a nonprofit
8 medical cannabis organization registration certificate, the
9 applicant shall submit the following in accordance with
10 Department rules:

11 (1) A \$5,000 non-refundable application fee and a
12 \$20,000 certificate fee for those applicants selected by
13 the Department to receive a nonprofit medical cannabis
14 organization registration certificate. Such fees may be
15 adjusted subject to the discretion of the Department in
16 order to adequately fund the implementation and
17 enforcement of this Act.

18 (2) The proposed legal name of the medical cannabis
19 organization.

20 (3) The proposed physical address of the medical
21 cannabis organization.

22 (4) If the nonprofit medical cannabis organization
23 proposes a location that is different than the location
24 listed in paragraph (3) where cannabis will be cultivated,
25 harvested, packaged, labeled, or otherwise prepared for

1 distribution by the nonprofit medical cannabis
2 organization, the physical address of that location.
3 However, approval for operation at a location under this
4 Section that is different than the location listed in
5 paragraph (3) requires a variance to be issued subject to
6 the discretion of the Department. In such case where a
7 variance is granted, by no means shall more than one
8 separate location be granted per each individual medical
9 cannabis organization registration certificate.

10 (5) The name, address, and date of birth of each
11 principal officer and board member of the medical cannabis
12 organization, provided that all such individuals shall be
13 at least 21 years of age.

14 (6) Any instances in which a business or not-for-profit
15 that any of the prospective board members managed or served
16 on the board of was convicted, fined, censured, or had a
17 registration or license suspended or revoked in any
18 administrative or judicial proceeding.

19 (7) Proposed operating by-laws that include procedures
20 for the oversight of the nonprofit medical cannabis
21 organization and procedures to ensure accurate record
22 keeping and security measures that are in accordance with
23 the rules issued by the Department pursuant to this Act.
24 The by-laws shall include a description of the enclosed,
25 locked facility where medical cannabis will be grown,
26 cultivated, harvested, packaged, labeled, or otherwise

1 prepared for distribution by the medical cannabis
2 organization.

3 (8) Signed statements from each nonprofit medical
4 cannabis organization agent stating that they will not
5 divert medical cannabis.

6 (9) The Department shall conduct a background check of
7 the prospective nonprofit medical cannabis organization
8 agents in order to carry out this provision. Each person
9 applying as a nonprofit medical cannabis organization
10 agent shall submit a full set of fingerprints to the
11 department for the purpose of obtaining a state and federal
12 criminal records check. The Department may exchange this
13 data with the Federal Bureau of Investigation without
14 disclosing that the records check is related to this Act.
15 The Department shall destroy each set of fingerprints after
16 the criminal records check is completed.

17 (b) An application for a medical cannabis organization
18 registration certificate must be denied if any of the following
19 conditions are met:

20 (A) the applicant failed to submit the materials
21 required by this Section, including if the applicant's
22 plans do not satisfy the security, oversight, or
23 recordkeeping rules issued by the Department;

24 (B) the applicant would not be in compliance with local
25 zoning rules issued in accordance with Section 80;

26 (C) the applicant does not meet the requirements of

1 Section 90;

2 (D) one or more of the prospective principal officers
3 or board members has been convicted of an excluded offense;

4 (E) one or more of the prospective principal officers
5 or board members has served as a principal officer or board
6 member for a registered nonprofit medical cannabis
7 organization that has had its registration certificate
8 revoked; and

9 (F) one or more of the principal officers or board
10 members is younger than 21 years of age.

11 (c) After a medical cannabis organization is approved, but
12 before it begins operations, it shall submit its physical
13 address if the address was not finalized when it applied.

14 (d) When issuing a medical cannabis organization
15 registration certificate, the Department shall also issue a
16 renewable registration certificate with an identification
17 number.

18 (e) The Department may approve no more than one application
19 for a medical cannabis organization registration certificate
20 for operation within any single Illinois State Senate district
21 as determined by the districts that were in existence as of
22 January 1, 2011.

23 Section 70. Nonprofit medical cannabis organization agent
24 identification cards.

25 (a) A nonprofit medical cannabis organization agent must

1 keep his or her identification card in their possession at all
2 times when engaging in the medical use of cannabis related to
3 dispensary operations.

4 (b) Nonprofit medical cannabis organization agent
5 identification cards shall contain all of the following:

6 (1) the name of the cardholder;

7 (2) a designation the cardholder is a nonprofit medical
8 cannabis organization agent;

9 (3) the date of issuance and expiration date of the
10 nonprofit medical cannabis organization agent
11 identification cards;

12 (4) a random 10-digit alphanumeric identification
13 number, containing at least four numbers and at least four
14 letters, that is unique to the cardholder; and

15 (5) a photograph of the cardholder, if the Department's
16 rules require one.

17 Section 75. Nonprofit medical cannabis organization
18 certification renewal. Registration certificates may be
19 renewed subject to the rule of the Department. The registered
20 nonprofit medical cannabis organization may submit a renewal
21 application beginning 90 days prior to the expiration of its
22 registration certificate. The Department shall grant a renewal
23 application within 45 days of its submission if the following
24 conditions are all satisfied:

25 (a) The registered nonprofit medical cannabis organization

1 submits a renewal application and the required renewal fee,
2 which shall be refunded within 60 days if the renewal
3 application is rejected. In such cases where a registration
4 certificate has been issued to that nonprofit medical cannabis
5 organization pursuant to Section 65, a \$25,000 fee in year 2 of
6 its operation and a \$5,000 fee in year 3 of its operation shall
7 be required for the renewal of the registration certificate.
8 Such fees may be adjusted subject to the discretion of the
9 Department in order to adequately fund the implementation and
10 enforcement of this Act.

11 (b) The Department has not suspended the registered
12 nonprofit medical cannabis organization or registration
13 certificate for violations of this Act or rules adopted
14 pursuant to this Act.

15 (c) The inspections authorized by subsection (r) of Section
16 85 and the input the Department received from stakeholders
17 pursuant to subsection (b) of Section 105 do not raise serious
18 and credible concerns about the continued operation of the
19 registered nonprofit medical cannabis organization or applying
20 for renewal.

21 Section 80. Local ordinances. A unit of local government
22 may enact reasonable zoning ordinances or resolutions, not in
23 conflict with this Act or with Department rules, regulating
24 registered nonprofit medical cannabis organizations. No unit
25 of local government, including a home rule unit, or school

1 district may regulate registered nonprofit medical cannabis
2 organizations other than as provided in this Act. This Section
3 is a denial and limitation under subsection (i) of Section 6 of
4 Article VII of the Illinois Constitution on the concurrent
5 exercise by home rule units of powers and functions exercised
6 by the State.

7 Section 85. Requirements; prohibitions; penalties.

8 (a) The operating documents of a registered nonprofit
9 medical cannabis organization shall include procedures for the
10 oversight of the registered nonprofit medical cannabis
11 organization and procedures to ensure accurate recordkeeping.

12 (b) A registered nonprofit medical cannabis organization
13 shall implement appropriate security measures to deter and
14 prevent the theft of cannabis and unauthorized entrance into
15 areas containing cannabis.

16 (c) A registered nonprofit medical cannabis organization
17 may not be located within 2,500 feet of the property line of a
18 pre-existing public or private preschool or elementary or
19 secondary school or day care center, day care home, group day
20 care home, or part day child care facility. A registered
21 medical cannabis organization shall not be located in a house,
22 apartment, condominium, or any other residential dwelling.

23 (d) A registered nonprofit medical cannabis organization
24 is prohibited from acquiring, possessing, cultivating,
25 manufacturing, delivering, transferring, transporting,

1 supplying, or dispensing cannabis for any purpose except to
2 assist registered qualifying patients with the medical use of
3 cannabis directly or through the qualifying patients'
4 designated caregivers.

5 (e) All cultivation of cannabis for registered nonprofit
6 medical cannabis organizations must take place in an enclosed,
7 locked location at the physical address or addresses provided
8 to the Department during the registration process. The
9 cultivation location can only be accessed by medical cannabis
10 organization agents working for the registered nonprofit
11 medical cannabis organization, Department staff performing
12 inspections, law enforcement or other emergency personnel, and
13 contractors working on jobs unrelated to medical cannabis, such
14 as installing or maintaining security devices or performing
15 electrical wiring.

16 (f) A nonprofit medical cannabis organization may not
17 obtain cannabis from outside the State of Illinois, except that
18 a nonprofit medical cannabis organization may lawfully
19 purchase cannabis seeds outside of the State of Illinois once
20 upon the initial approval of its application under Section 65.

21 (g) A registered nonprofit medical cannabis organization
22 shall not dispense more than 2.5 ounces of cannabis to a
23 registered qualifying patient, directly or via a designated
24 caregiver, in any 14-day period unless the qualifying patient
25 has a Department approved quantity variance.

26 (h) Before cannabis may be dispensed to a designated

1 caregiver or a registered qualifying patient, a nonprofit
2 medical cannabis organization agent must determine that the
3 individual is a current cardholder in the verification system
4 and must verify each of the following:

5 (1) that the registry identification card presented to
6 the registered nonprofit medical cannabis organization is
7 valid;

8 (2) that the person presenting the card is the person
9 identified on the registry identification card presented
10 to the medical cannabis organization agent;

11 (3) that the registered nonprofit medical cannabis
12 organization is the designated medical cannabis
13 organization for the registered qualifying patient who is
14 obtaining the cannabis directly or via his or her
15 designated caregiver; and

16 (4) that the qualifying patient has not exceeded his or
17 her adequate supply.

18 (i) Registered nonprofit medical cannabis organizations
19 shall ensure compliance with this limitation by maintaining
20 internal, confidential records that include records specifying
21 how much cannabis is being dispensed to the registered
22 qualifying patient and whether it was dispensed directly to the
23 registered qualifying patient or to the designated caregiver.
24 Each entry must include the date and time the cannabis was
25 dispensed.

26 (j) The physician-patient privilege as set forth by Section

1 8-802 of the Code of Civil Procedure shall apply between a
2 qualifying patient and a registered nonprofit medical cannabis
3 organization and its agents with respect to communications and
4 records concerning qualifying patients' debilitating
5 conditions.

6 (k) A nonprofit medical cannabis organization shall not
7 permit any person to consume cannabis on the property of a
8 nonprofit medical cannabis organization.

9 (l) A registered nonprofit medical cannabis organization
10 shall not share office space with or refer patients to a
11 physician.

12 (m) A physician shall not refer patients to a registered
13 nonprofit medical cannabis organization or registered
14 designated caregiver, advertise in a registered nonprofit
15 medical cannabis organization, or, if the physician issues
16 written certifications, hold any financial interest in a
17 registered nonprofit medical cannabis organization.

18 (n) No person who has been convicted of an excluded offense
19 may be a nonprofit medical cannabis organization agent.

20 (o) Notwithstanding all other criminal penalties related
21 to the unlawful possession of cannabis, the Department may
22 issue a civil fine of up to \$3,000 for violations of this
23 Section.

24 (p) The Department may suspend or revoke a registration
25 certificate for violations of this Act and rules issued in
26 accordance with this Section.

1 (q) The suspension or revocation of a certificate is a
2 final Department action, subject to judicial review.
3 Jurisdiction and venue for judicial review are vested in the
4 Circuit Court.

5 (r) Registered nonprofit medical cannabis organizations
6 are subject to random inspection and cannabis testing by
7 Department rules.

8 Section 90. Confidentiality.

9 (a) The following information received and records kept by
10 Department rules for purposes of administering this Act are
11 subject to all applicable federal privacy laws, confidential,
12 and exempt from the Freedom of Information Act, and not subject
13 to disclosure to any individual or public or private entity,
14 except as necessary for authorized employees of the Department
15 to perform official duties pursuant to this Act:

16 (1) Applications and renewals, their contents, and
17 supporting information submitted by qualifying patients
18 and designated caregivers, including information regarding
19 their designated caregivers and physicians.

20 (2) Applications and renewals, their contents, and
21 supporting information submitted by or on behalf of
22 nonprofit medical cannabis organizations in compliance
23 with this Act, including their physical addressees.

24 (3) The individual names and other information
25 identifying persons to whom the Department has issued

1 registry identification cards.

2 (4) Any dispensing information required to be kept
3 under Section 85 or Department rules shall identify
4 cardholders and registered nonprofit medical cannabis
5 organizations by their registry identification numbers and
6 not contain names or other personally identifying
7 information.

8 (5) All medical records provided to the Department in
9 connection with an application for a registry card.

10 (b) Nothing in this Section precludes the following:

11 (1) Department employees may notify law enforcement
12 about falsified or fraudulent information submitted to the
13 Department if the employee who suspects that falsified or
14 fraudulent information has been submitted conferred with
15 his or her supervisor and both agree that circumstances
16 exist that warrant reporting.

17 (2) If the employee conferred with his or her
18 supervisor and both agree that circumstances exist that
19 warrant reporting, Department employees may notify the
20 Medical Disciplinary Board if there is reasonable cause to
21 believe a physician:

22 (A) issued a written certification without a bona
23 fide physician-patient relationship;

24 (B) issued a written certification to a person who
25 was not under the physician's care for the debilitating
26 medical condition; or

1 (C) failed to abide by the standard of care when
2 evaluating medical conditions.

3 (3) The Department may notify State or local law
4 enforcement about apparent criminal violations of this Act
5 if the employee who suspects the offense has conferred with
6 his or her supervisor and both agree that circumstances
7 exist that warrant reporting.

8 (4) Nonprofit medical cannabis organization agents may
9 notify the Department of a suspected violation or attempted
10 violation of this Act or the rules issued pursuant to it.

11 (5) The Department may verify registry identification
12 cards pursuant to Section 95.

13 (6) The submission of the report to the General
14 Assembly under Section 100.

15 (c) It is a Class B misdemeanor with a \$1,000 fine for any
16 person, including an employee or official of the Department or
17 another State agency or local government, to breach the
18 confidentiality of information obtained pursuant to this Act.

19 Section 95. Registry identification and registration
20 certificate verification.

21 (a) The Department shall maintain a confidential list of
22 the persons to whom the Department has issued registry
23 identification cards and their addresses, phone numbers, and
24 registry identification numbers. This confidential list shall
25 not be combined or linked in any manner with any other list or

1 database except as provided in this Section.

2 (b) Within 180 days of the effective date of this Act, the
3 Department shall establish a computerized verification system.
4 The verification system must allow law enforcement personnel
5 and nonprofit medical cannabis organization agents to enter a
6 registry identification number to determine whether or not the
7 number corresponds with a current, valid registry
8 identification card. The system shall only disclose whether the
9 identification card is valid; whether the cardholder is a
10 registered qualifying patient or a registered designated
11 caregiver; and the registry identification number of the
12 registered nonprofit medical cannabis organization designated
13 to serve the registered qualifying patient who holds the card
14 or the registry identification number of the patient who is
15 assisted by the registered designated caregiver who holds the
16 card. The system shall enable a registered nonprofit medical
17 cannabis organization to enter information in the system
18 sufficient to track the amount of medical cannabis dispensed to
19 the qualifying patient. Notwithstanding any requirements
20 established by this subsection, the Department shall issue
21 registry cards to qualifying patients and shall issue
22 certification to nonprofit medical cannabis organizations for
23 the period during which the database is being established.

24 Section 100. Annual reports. The Department shall submit
25 to the General Assembly an annual report that does not disclose

1 any identifying information about cardholders, registered
2 nonprofit medical cannabis organizations, or physicians, but
3 does contain, at a minimum, all of the following information:

4 (1) the number of applications and renewals filed for
5 registry identification cards;

6 (2) the number of qualifying patients and designated
7 caregivers approved in each county and Senate district as
8 determined by the districts that were in existence as of
9 January 1, 2011;

10 (3) the nature of the debilitating medical conditions
11 of the qualifying patients;

12 (4) the number of registry identification cards
13 revoked for misconduct;

14 (5) the number of physicians providing written
15 certifications for qualifying patients; and

16 (6) the number of registered nonprofit medical
17 cannabis organizations.

18 Section 105. Department to issue rules.

19 (a) Not later than 60 days after the effective date of this
20 Act, the Department shall promulgate rules:

21 (1) governing the manner in which the Department shall
22 consider petitions from the public to add debilitating
23 medical conditions or treatments to the list of
24 debilitating medical conditions set forth in subsection
25 (d) of Section 10 of this Act, including public notice of

1 and an opportunity to comment in public hearings on the
2 petitions;

3 (2) establishing the form and content of registration
4 and renewal applications submitted under this Act,
5 including a standard form for written certifications;

6 (3) governing the manner in which it shall consider
7 applications for and renewals of registry identification
8 cards;

9 (4) governing the following matters related to
10 registered nonprofit medical cannabis organizations, with
11 the goal of protecting against diversion and theft, without
12 imposing an undue burden on the registered nonprofit
13 medical cannabis organizations or compromising the
14 confidentiality of cardholders:

15 (A) oversight requirements for registered
16 nonprofit medical cannabis organizations;

17 (B) recordkeeping requirements for registered
18 nonprofit medical cannabis organizations;

19 (C) security requirements for registered nonprofit
20 medical cannabis organizations, which shall include
21 that each registered nonprofit medical cannabis
22 organization location must be protected by a fully
23 operational security alarm system;

24 (D) rules and standards for what constitutes an
25 enclosed locked facility under this Act;

26 (E) procedures for suspending or terminating the

1 registration certificates or registry identification
2 cards of cardholders, and registered nonprofit medical
3 cannabis organizations that commit multiple or serious
4 violations of the provisions of this Act or the rules
5 promulgated pursuant to this Section;

6 (F) reasonable rules concerning the medical use of
7 cannabis at a nursing care institution, hospice,
8 assisted living center, assisted living facility,
9 assisted living home, residential care institution, or
10 adult day health care facility;

11 (G) limitations of the quantity of cannabis plants
12 a dispensary may possess at one time provided that no
13 dispensary is authorized to possess more plants than
14 are reasonably necessary to satisfy the adequate
15 supply of the patients who have designated that
16 dispensary as his or her provider;

17 (H) rules concerning the intrastate transportation
18 of medical cannabis;

19 (I) standards concerning the testing, quality, and
20 cultivation of medical cannabis; and

21 (J) such other matters as are necessary for the
22 fair, impartial, stringent, and comprehensive
23 administration of this Act; and

24 (5) application and renewal fees for registry
25 identification cards, nonprofit medical cannabis
26 organization agent identification cards, and renewal fees

1 for registered nonprofit medical cannabis organization
2 registration certificates, according to the following:

3 (A) the total fees collected must generate
4 revenues sufficient to offset all expenses of
5 implementing and administering this Act, except that
6 fee revenue may be offset or supplemented by private
7 donations;

8 (B) the Department may establish a sliding scale of
9 patient application and renewal fees based upon a
10 qualifying patient's household income;

11 (C) the Department may accept donations from
12 private sources to reduce application and renewal
13 fees; and

14 (D) registry identification card fees shall
15 include an additional \$3 per registry identification
16 card, which shall be used to develop and disseminate
17 educational information about the health risks
18 associated with the abuse of cannabis and prescription
19 medications.

20 The Department may adopt rules concerning limiting the
21 rights of medical cannabis organizations by taking into
22 consideration how many are currently operating and their
23 geographical distribution.

24 (b) During the rule-making process, the Department shall
25 make a good faith effort to consult with all stakeholders
26 identified in the rule-making analysis as being impacted by the

1 rules. The Department shall establish the stakeholders into an
2 advisory task force. Stakeholders shall include, but are not
3 limited to:

4 (1) at least 2 physicians, one of whom must have prior
5 experience treating medical cannabis patients;

6 (2) at least 2 nurses, one of whom must have prior
7 experience treating HIV/AIDS patients;

8 (3) at least three qualifying patients;

9 (4) a representative from the law enforcement
10 community;

11 (5) the Director of State Police or his or her
12 designee;

13 (6) a prosecuting attorney currently employed by the
14 State of Illinois;

15 (7) a public defender currently employed by the State
16 of Illinois;

17 (8) a defense attorney in private practice;

18 (9) a licensed phlebotomist;

19 (10) a horticulturist; and

20 (11) a representative of the business community.

21 (c) After consulting with the stakeholders, the Department
22 shall evaluate driving under the influence laws as they apply
23 to registered patients.

24 (d) Beginning 4 months after the issuance of the first
25 registrations for registered nonprofit medical cannabis
26 organizations, the Department shall solicit input, including

1 from the stakeholders identified in subsection (b) on the
2 following:

3 (A) The ability of qualifying patients in all areas
4 of the state to obtain timely access to high-quality
5 medical cannabis.

6 (B) The effectiveness of the registered nonprofit
7 medical cannabis organizations, individually and
8 together, in serving the needs of qualifying patients,
9 including the provision of support services, the
10 reasonableness of their fees, whether they are
11 generating any complaints or security problems, and
12 the sufficiency of the number operating to serve the
13 registered qualifying patients of Illinois.

14 (C) The sufficiency of the regulatory and security
15 safeguards contained in this Act and adopted by the
16 Department to ensure that access to and use of cannabis
17 cultivated is provided only to cardholders authorized
18 for such purposes.

19 (D) Any recommended additions or revisions to the
20 Department rules or this Act, including relating to
21 security, safe handling, labeling, and nomenclature.

22 (E) Any research studies regarding health effects
23 of medical cannabis for patients.

24 (e) The Department shall develop and disseminate
25 educational information about the health risks associated with
26 the abuse of cannabis and prescription medications, which shall

1 be funded by the \$3 fees generated from registry identification
2 cards.

3 Section 110. Enforcement of this Act.

4 (a) If the Department fails to adopt rules to implement
5 this Act within the times provided for in this Act, any citizen
6 may commence a mandamus action in the Circuit Court to compel
7 the Department to perform the actions mandated pursuant to the
8 provisions of this Act.

9 (b) If the Department fails to issue a valid registry
10 identification card in response to a valid application or
11 renewal submitted pursuant to this Act within 30 days of its
12 submission, the registry identification card shall be deemed
13 granted, and a copy of the registry identification application,
14 including a valid written certification, or renewal shall be
15 deemed a valid registry identification card.

16 Section 115. Repeal of Act. This Act is repealed 3 years
17 after its effective date.

18 Section 120. The Election Code is amended by adding Section
19 9-45 as follows:

20 (10 ILCS 5/9-45 new)

21 Sec. 9-45. Medical cannabis organization; contributions.

22 It is unlawful for any nonprofit medical cannabis organization

1 or any political action committee created by any nonprofit
2 medical cannabis organization to make a campaign contribution
3 to any political committee established to promote the candidacy
4 of a candidate or public official. It is unlawful for any
5 candidate, political committee, or other person to knowingly
6 accept or receive any contribution prohibited by this Section.
7 It is unlawful for any officer or agent of a nonprofit medical
8 cannabis organization to consent to any contribution or
9 expenditure by the nonprofit medical cannabis organization
10 that is prohibited by this Section. As used in this Section,
11 "nonprofit medical cannabis organization" has the meaning
12 ascribed to it in Section 10 of the Compassionate Use of
13 Medical Cannabis Pilot Program Act.

14 Section 125. The Use Tax Act is amended by changing Section
15 3-10 as follows:

16 (35 ILCS 105/3-10)

17 Sec. 3-10. Rate of tax. Unless otherwise provided in this
18 Section, the tax imposed by this Act is at the rate of 6.25% of
19 either the selling price or the fair market value, if any, of
20 the tangible personal property. In all cases where property
21 functionally used or consumed is the same as the property that
22 was purchased at retail, then the tax is imposed on the selling
23 price of the property. In all cases where property functionally
24 used or consumed is a by-product or waste product that has been

1 refined, manufactured, or produced from property purchased at
2 retail, then the tax is imposed on the lower of the fair market
3 value, if any, of the specific property so used in this State
4 or on the selling price of the property purchased at retail.
5 For purposes of this Section "fair market value" means the
6 price at which property would change hands between a willing
7 buyer and a willing seller, neither being under any compulsion
8 to buy or sell and both having reasonable knowledge of the
9 relevant facts. The fair market value shall be established by
10 Illinois sales by the taxpayer of the same property as that
11 functionally used or consumed, or if there are no such sales by
12 the taxpayer, then comparable sales or purchases of property of
13 like kind and character in Illinois.

14 Beginning on July 1, 2000 and through December 31, 2000,
15 with respect to motor fuel, as defined in Section 1.1 of the
16 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
17 the Use Tax Act, the tax is imposed at the rate of 1.25%.

18 Beginning on August 6, 2010 through August 15, 2010, with
19 respect to sales tax holiday items as defined in Section 3-6 of
20 this Act, the tax is imposed at the rate of 1.25%.

21 With respect to gasohol, the tax imposed by this Act
22 applies to (i) 70% of the proceeds of sales made on or after
23 January 1, 1990, and before July 1, 2003, (ii) 80% of the
24 proceeds of sales made on or after July 1, 2003 and on or
25 before December 31, 2013, and (iii) 100% of the proceeds of
26 sales made thereafter. If, at any time, however, the tax under

1 this Act on sales of gasohol is imposed at the rate of 1.25%,
2 then the tax imposed by this Act applies to 100% of the
3 proceeds of sales of gasohol made during that time.

4 With respect to majority blended ethanol fuel, the tax
5 imposed by this Act does not apply to the proceeds of sales
6 made on or after July 1, 2003 and on or before December 31,
7 2013 but applies to 100% of the proceeds of sales made
8 thereafter.

9 With respect to biodiesel blends with no less than 1% and
10 no more than 10% biodiesel, the tax imposed by this Act applies
11 to (i) 80% of the proceeds of sales made on or after July 1,
12 2003 and on or before December 31, 2013 and (ii) 100% of the
13 proceeds of sales made thereafter. If, at any time, however,
14 the tax under this Act on sales of biodiesel blends with no
15 less than 1% and no more than 10% biodiesel is imposed at the
16 rate of 1.25%, then the tax imposed by this Act applies to 100%
17 of the proceeds of sales of biodiesel blends with no less than
18 1% and no more than 10% biodiesel made during that time.

19 With respect to 100% biodiesel and biodiesel blends with
20 more than 10% but no more than 99% biodiesel, the tax imposed
21 by this Act does not apply to the proceeds of sales made on or
22 after July 1, 2003 and on or before December 31, 2013 but
23 applies to 100% of the proceeds of sales made thereafter.

24 With respect to food for human consumption that is to be
25 consumed off the premises where it is sold (other than
26 alcoholic beverages, soft drinks, and food that has been

1 prepared for immediate consumption) and prescription and
2 nonprescription medicines, drugs, medical appliances,
3 modifications to a motor vehicle for the purpose of rendering
4 it usable by a disabled person, and insulin, urine testing
5 materials, syringes, and needles used by diabetics, for human
6 use, the tax is imposed at the rate of 1%. For the purposes of
7 this Section, until September 1, 2009: the term "soft drinks"
8 means any complete, finished, ready-to-use, non-alcoholic
9 drink, whether carbonated or not, including but not limited to
10 soda water, cola, fruit juice, vegetable juice, carbonated
11 water, and all other preparations commonly known as soft drinks
12 of whatever kind or description that are contained in any
13 closed or sealed bottle, can, carton, or container, regardless
14 of size; but "soft drinks" does not include coffee, tea,
15 non-carbonated water, infant formula, milk or milk products as
16 defined in the Grade A Pasteurized Milk and Milk Products Act,
17 or drinks containing 50% or more natural fruit or vegetable
18 juice.

19 Notwithstanding any other provisions of this Act,
20 beginning September 1, 2009, "soft drinks" means non-alcoholic
21 beverages that contain natural or artificial sweeteners. "Soft
22 drinks" do not include beverages that contain milk or milk
23 products, soy, rice or similar milk substitutes, or greater
24 than 50% of vegetable or fruit juice by volume.

25 Until August 1, 2009, and notwithstanding any other
26 provisions of this Act, "food for human consumption that is to

1 be consumed off the premises where it is sold" includes all
2 food sold through a vending machine, except soft drinks and
3 food products that are dispensed hot from a vending machine,
4 regardless of the location of the vending machine. Beginning
5 August 1, 2009, and notwithstanding any other provisions of
6 this Act, "food for human consumption that is to be consumed
7 off the premises where it is sold" includes all food sold
8 through a vending machine, except soft drinks, candy, and food
9 products that are dispensed hot from a vending machine,
10 regardless of the location of the vending machine.

11 Notwithstanding any other provisions of this Act,
12 beginning September 1, 2009, "food for human consumption that
13 is to be consumed off the premises where it is sold" does not
14 include candy. For purposes of this Section, "candy" means a
15 preparation of sugar, honey, or other natural or artificial
16 sweeteners in combination with chocolate, fruits, nuts or other
17 ingredients or flavorings in the form of bars, drops, or
18 pieces. "Candy" does not include any preparation that contains
19 flour or requires refrigeration.

20 Notwithstanding any other provisions of this Act,
21 beginning September 1, 2009, "nonprescription medicines and
22 drugs" does not include grooming and hygiene products.
23 Beginning on the effective date of this amendatory Act of the
24 97th General Assembly, "prescription and nonprescription
25 medicines and drugs" includes medical cannabis purchased from a
26 registered nonprofit medical cannabis organization under the

1 Compassionate Use of Medical Cannabis Pilot Program Act. For
2 purposes of this Section, "grooming and hygiene products"
3 includes, but is not limited to, soaps and cleaning solutions,
4 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
5 lotions and screens, unless those products are available by
6 prescription only, regardless of whether the products meet the
7 definition of "over-the-counter-drugs". For the purposes of
8 this paragraph, "over-the-counter-drug" means a drug for human
9 use that contains a label that identifies the product as a drug
10 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
11 label includes:

12 (A) A "Drug Facts" panel; or

13 (B) A statement of the "active ingredient(s)" with a
14 list of those ingredients contained in the compound,
15 substance or preparation.

16 If the property that is purchased at retail from a retailer
17 is acquired outside Illinois and used outside Illinois before
18 being brought to Illinois for use here and is taxable under
19 this Act, the "selling price" on which the tax is computed
20 shall be reduced by an amount that represents a reasonable
21 allowance for depreciation for the period of prior out-of-state
22 use.

23 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
24 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1012, eff. 7-7-10.)

25 Section 130. The Service Use Tax Act is amended by changing

1 Section 3-10 as follows:

2 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

3 Sec. 3-10. Rate of tax. Unless otherwise provided in this
4 Section, the tax imposed by this Act is at the rate of 6.25% of
5 the selling price of tangible personal property transferred as
6 an incident to the sale of service, but, for the purpose of
7 computing this tax, in no event shall the selling price be less
8 than the cost price of the property to the serviceman.

9 Beginning on July 1, 2000 and through December 31, 2000,
10 with respect to motor fuel, as defined in Section 1.1 of the
11 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
12 the Use Tax Act, the tax is imposed at the rate of 1.25%.

13 With respect to gasohol, as defined in the Use Tax Act, the
14 tax imposed by this Act applies to (i) 70% of the selling price
15 of property transferred as an incident to the sale of service
16 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
17 of the selling price of property transferred as an incident to
18 the sale of service on or after July 1, 2003 and on or before
19 December 31, 2013, and (iii) 100% of the selling price
20 thereafter. If, at any time, however, the tax under this Act on
21 sales of gasohol, as defined in the Use Tax Act, is imposed at
22 the rate of 1.25%, then the tax imposed by this Act applies to
23 100% of the proceeds of sales of gasohol made during that time.

24 With respect to majority blended ethanol fuel, as defined
25 in the Use Tax Act, the tax imposed by this Act does not apply

1 to the selling price of property transferred as an incident to
2 the sale of service on or after July 1, 2003 and on or before
3 December 31, 2013 but applies to 100% of the selling price
4 thereafter.

5 With respect to biodiesel blends, as defined in the Use Tax
6 Act, with no less than 1% and no more than 10% biodiesel, the
7 tax imposed by this Act applies to (i) 80% of the selling price
8 of property transferred as an incident to the sale of service
9 on or after July 1, 2003 and on or before December 31, 2013 and
10 (ii) 100% of the proceeds of the selling price thereafter. If,
11 at any time, however, the tax under this Act on sales of
12 biodiesel blends, as defined in the Use Tax Act, with no less
13 than 1% and no more than 10% biodiesel is imposed at the rate
14 of 1.25%, then the tax imposed by this Act applies to 100% of
15 the proceeds of sales of biodiesel blends with no less than 1%
16 and no more than 10% biodiesel made during that time.

17 With respect to 100% biodiesel, as defined in the Use Tax
18 Act, and biodiesel blends, as defined in the Use Tax Act, with
19 more than 10% but no more than 99% biodiesel, the tax imposed
20 by this Act does not apply to the proceeds of the selling price
21 of property transferred as an incident to the sale of service
22 on or after July 1, 2003 and on or before December 31, 2013 but
23 applies to 100% of the selling price thereafter.

24 At the election of any registered serviceman made for each
25 fiscal year, sales of service in which the aggregate annual
26 cost price of tangible personal property transferred as an

1 incident to the sales of service is less than 35%, or 75% in
2 the case of servicemen transferring prescription drugs or
3 servicemen engaged in graphic arts production, of the aggregate
4 annual total gross receipts from all sales of service, the tax
5 imposed by this Act shall be based on the serviceman's cost
6 price of the tangible personal property transferred as an
7 incident to the sale of those services.

8 The tax shall be imposed at the rate of 1% on food prepared
9 for immediate consumption and transferred incident to a sale of
10 service subject to this Act or the Service Occupation Tax Act
11 by an entity licensed under the Hospital Licensing Act, the
12 Nursing Home Care Act, the MR/DD Community Care Act, or the
13 Child Care Act of 1969. The tax shall also be imposed at the
14 rate of 1% on food for human consumption that is to be consumed
15 off the premises where it is sold (other than alcoholic
16 beverages, soft drinks, and food that has been prepared for
17 immediate consumption and is not otherwise included in this
18 paragraph) and prescription and nonprescription medicines,
19 drugs, medical appliances, modifications to a motor vehicle for
20 the purpose of rendering it usable by a disabled person, and
21 insulin, urine testing materials, syringes, and needles used by
22 diabetics, for human use. For the purposes of this Section,
23 until September 1, 2009: the term "soft drinks" means any
24 complete, finished, ready-to-use, non-alcoholic drink, whether
25 carbonated or not, including but not limited to soda water,
26 cola, fruit juice, vegetable juice, carbonated water, and all

1 other preparations commonly known as soft drinks of whatever
2 kind or description that are contained in any closed or sealed
3 bottle, can, carton, or container, regardless of size; but
4 "soft drinks" does not include coffee, tea, non-carbonated
5 water, infant formula, milk or milk products as defined in the
6 Grade A Pasteurized Milk and Milk Products Act, or drinks
7 containing 50% or more natural fruit or vegetable juice.

8 Notwithstanding any other provisions of this Act,
9 beginning September 1, 2009, "soft drinks" means non-alcoholic
10 beverages that contain natural or artificial sweeteners. "Soft
11 drinks" do not include beverages that contain milk or milk
12 products, soy, rice or similar milk substitutes, or greater
13 than 50% of vegetable or fruit juice by volume.

14 Until August 1, 2009, and notwithstanding any other
15 provisions of this Act, "food for human consumption that is to
16 be consumed off the premises where it is sold" includes all
17 food sold through a vending machine, except soft drinks and
18 food products that are dispensed hot from a vending machine,
19 regardless of the location of the vending machine. Beginning
20 August 1, 2009, and notwithstanding any other provisions of
21 this Act, "food for human consumption that is to be consumed
22 off the premises where it is sold" includes all food sold
23 through a vending machine, except soft drinks, candy, and food
24 products that are dispensed hot from a vending machine,
25 regardless of the location of the vending machine.

26 Notwithstanding any other provisions of this Act,

1 beginning September 1, 2009, "food for human consumption that
2 is to be consumed off the premises where it is sold" does not
3 include candy. For purposes of this Section, "candy" means a
4 preparation of sugar, honey, or other natural or artificial
5 sweeteners in combination with chocolate, fruits, nuts or other
6 ingredients or flavorings in the form of bars, drops, or
7 pieces. "Candy" does not include any preparation that contains
8 flour or requires refrigeration.

9 Notwithstanding any other provisions of this Act,
10 beginning September 1, 2009, "nonprescription medicines and
11 drugs" does not include grooming and hygiene products.
12 Beginning on the effective date of this amendatory Act of the
13 97th General Assembly, "prescription and nonprescription
14 medicines and drugs" includes medical cannabis purchased from a
15 registered nonprofit medical cannabis organization under the
16 Compassionate Use of Medical Cannabis Pilot Program Act. For
17 purposes of this Section, "grooming and hygiene products"
18 includes, but is not limited to, soaps and cleaning solutions,
19 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
20 lotions and screens, unless those products are available by
21 prescription only, regardless of whether the products meet the
22 definition of "over-the-counter-drugs". For the purposes of
23 this paragraph, "over-the-counter-drug" means a drug for human
24 use that contains a label that identifies the product as a drug
25 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
26 label includes:

1 (A) A "Drug Facts" panel; or

2 (B) A statement of the "active ingredient(s)" with a
3 list of those ingredients contained in the compound,
4 substance or preparation.

5 If the property that is acquired from a serviceman is
6 acquired outside Illinois and used outside Illinois before
7 being brought to Illinois for use here and is taxable under
8 this Act, the "selling price" on which the tax is computed
9 shall be reduced by an amount that represents a reasonable
10 allowance for depreciation for the period of prior out-of-state
11 use.

12 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
13 eff. 7-13-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10.)

14 Section 135. The Service Occupation Tax Act is amended by
15 changing Section 3-10 as follows:

16 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

17 Sec. 3-10. Rate of tax. Unless otherwise provided in this
18 Section, the tax imposed by this Act is at the rate of 6.25% of
19 the "selling price", as defined in Section 2 of the Service Use
20 Tax Act, of the tangible personal property. For the purpose of
21 computing this tax, in no event shall the "selling price" be
22 less than the cost price to the serviceman of the tangible
23 personal property transferred. The selling price of each item
24 of tangible personal property transferred as an incident of a

1 sale of service may be shown as a distinct and separate item on
2 the serviceman's billing to the service customer. If the
3 selling price is not so shown, the selling price of the
4 tangible personal property is deemed to be 50% of the
5 serviceman's entire billing to the service customer. When,
6 however, a serviceman contracts to design, develop, and produce
7 special order machinery or equipment, the tax imposed by this
8 Act shall be based on the serviceman's cost price of the
9 tangible personal property transferred incident to the
10 completion of the contract.

11 Beginning on July 1, 2000 and through December 31, 2000,
12 with respect to motor fuel, as defined in Section 1.1 of the
13 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
14 the Use Tax Act, the tax is imposed at the rate of 1.25%.

15 With respect to gasohol, as defined in the Use Tax Act, the
16 tax imposed by this Act shall apply to (i) 70% of the cost
17 price of property transferred as an incident to the sale of
18 service on or after January 1, 1990, and before July 1, 2003,
19 (ii) 80% of the selling price of property transferred as an
20 incident to the sale of service on or after July 1, 2003 and on
21 or before December 31, 2013, and (iii) 100% of the cost price
22 thereafter. If, at any time, however, the tax under this Act on
23 sales of gasohol, as defined in the Use Tax Act, is imposed at
24 the rate of 1.25%, then the tax imposed by this Act applies to
25 100% of the proceeds of sales of gasohol made during that time.

26 With respect to majority blended ethanol fuel, as defined

1 in the Use Tax Act, the tax imposed by this Act does not apply
2 to the selling price of property transferred as an incident to
3 the sale of service on or after July 1, 2003 and on or before
4 December 31, 2013 but applies to 100% of the selling price
5 thereafter.

6 With respect to biodiesel blends, as defined in the Use Tax
7 Act, with no less than 1% and no more than 10% biodiesel, the
8 tax imposed by this Act applies to (i) 80% of the selling price
9 of property transferred as an incident to the sale of service
10 on or after July 1, 2003 and on or before December 31, 2013 and
11 (ii) 100% of the proceeds of the selling price thereafter. If,
12 at any time, however, the tax under this Act on sales of
13 biodiesel blends, as defined in the Use Tax Act, with no less
14 than 1% and no more than 10% biodiesel is imposed at the rate
15 of 1.25%, then the tax imposed by this Act applies to 100% of
16 the proceeds of sales of biodiesel blends with no less than 1%
17 and no more than 10% biodiesel made during that time.

18 With respect to 100% biodiesel, as defined in the Use Tax
19 Act, and biodiesel blends, as defined in the Use Tax Act, with
20 more than 10% but no more than 99% biodiesel material, the tax
21 imposed by this Act does not apply to the proceeds of the
22 selling price of property transferred as an incident to the
23 sale of service on or after July 1, 2003 and on or before
24 December 31, 2013 but applies to 100% of the selling price
25 thereafter.

26 At the election of any registered serviceman made for each

1 fiscal year, sales of service in which the aggregate annual
2 cost price of tangible personal property transferred as an
3 incident to the sales of service is less than 35%, or 75% in
4 the case of servicemen transferring prescription drugs or
5 servicemen engaged in graphic arts production, of the aggregate
6 annual total gross receipts from all sales of service, the tax
7 imposed by this Act shall be based on the serviceman's cost
8 price of the tangible personal property transferred incident to
9 the sale of those services.

10 The tax shall be imposed at the rate of 1% on food prepared
11 for immediate consumption and transferred incident to a sale of
12 service subject to this Act or the Service Occupation Tax Act
13 by an entity licensed under the Hospital Licensing Act, the
14 Nursing Home Care Act, the MR/DD Community Care Act, or the
15 Child Care Act of 1969. The tax shall also be imposed at the
16 rate of 1% on food for human consumption that is to be consumed
17 off the premises where it is sold (other than alcoholic
18 beverages, soft drinks, and food that has been prepared for
19 immediate consumption and is not otherwise included in this
20 paragraph) and prescription and nonprescription medicines,
21 drugs, medical appliances, modifications to a motor vehicle for
22 the purpose of rendering it usable by a disabled person, and
23 insulin, urine testing materials, syringes, and needles used by
24 diabetics, for human use. For the purposes of this Section,
25 until September 1, 2009: the term "soft drinks" means any
26 complete, finished, ready-to-use, non-alcoholic drink, whether

1 carbonated or not, including but not limited to soda water,
2 cola, fruit juice, vegetable juice, carbonated water, and all
3 other preparations commonly known as soft drinks of whatever
4 kind or description that are contained in any closed or sealed
5 can, carton, or container, regardless of size; but "soft
6 drinks" does not include coffee, tea, non-carbonated water,
7 infant formula, milk or milk products as defined in the Grade A
8 Pasteurized Milk and Milk Products Act, or drinks containing
9 50% or more natural fruit or vegetable juice.

10 Notwithstanding any other provisions of this Act,
11 beginning September 1, 2009, "soft drinks" means non-alcoholic
12 beverages that contain natural or artificial sweeteners. "Soft
13 drinks" do not include beverages that contain milk or milk
14 products, soy, rice or similar milk substitutes, or greater
15 than 50% of vegetable or fruit juice by volume.

16 Until August 1, 2009, and notwithstanding any other
17 provisions of this Act, "food for human consumption that is to
18 be consumed off the premises where it is sold" includes all
19 food sold through a vending machine, except soft drinks and
20 food products that are dispensed hot from a vending machine,
21 regardless of the location of the vending machine. Beginning
22 August 1, 2009, and notwithstanding any other provisions of
23 this Act, "food for human consumption that is to be consumed
24 off the premises where it is sold" includes all food sold
25 through a vending machine, except soft drinks, candy, and food
26 products that are dispensed hot from a vending machine,

1 regardless of the location of the vending machine.

2 Notwithstanding any other provisions of this Act,
3 beginning September 1, 2009, "food for human consumption that
4 is to be consumed off the premises where it is sold" does not
5 include candy. For purposes of this Section, "candy" means a
6 preparation of sugar, honey, or other natural or artificial
7 sweeteners in combination with chocolate, fruits, nuts or other
8 ingredients or flavorings in the form of bars, drops, or
9 pieces. "Candy" does not include any preparation that contains
10 flour or requires refrigeration.

11 Notwithstanding any other provisions of this Act,
12 beginning September 1, 2009, "nonprescription medicines and
13 drugs" does not include grooming and hygiene products.
14 Beginning on the effective date of this amendatory Act of the
15 97th General Assembly, "prescription and nonprescription
16 medicines and drugs" includes medical cannabis purchased from a
17 registered nonprofit medical cannabis organization under the
18 Compassionate Use of Medical Cannabis Pilot Program Act. For
19 purposes of this Section, "grooming and hygiene products"
20 includes, but is not limited to, soaps and cleaning solutions,
21 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
22 lotions and screens, unless those products are available by
23 prescription only, regardless of whether the products meet the
24 definition of "over-the-counter-drugs". For the purposes of
25 this paragraph, "over-the-counter-drug" means a drug for human
26 use that contains a label that identifies the product as a drug

1 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
2 label includes:

3 (A) A "Drug Facts" panel; or

4 (B) A statement of the "active ingredient(s)" with a
5 list of those ingredients contained in the compound,
6 substance or preparation.

7 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
8 eff. 7-13-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10.)

9 Section 140. The Retailers' Occupation Tax Act is amended
10 by changing Section 2-10 as follows:

11 (35 ILCS 120/2-10)

12 Sec. 2-10. Rate of tax. Unless otherwise provided in this
13 Section, the tax imposed by this Act is at the rate of 6.25% of
14 gross receipts from sales of tangible personal property made in
15 the course of business.

16 Beginning on July 1, 2000 and through December 31, 2000,
17 with respect to motor fuel, as defined in Section 1.1 of the
18 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
19 the Use Tax Act, the tax is imposed at the rate of 1.25%.

20 Beginning on August 6, 2010 through August 15, 2010, with
21 respect to sales tax holiday items as defined in Section 2-8 of
22 this Act, the tax is imposed at the rate of 1.25%.

23 Within 14 days after the effective date of this amendatory
24 Act of the 91st General Assembly, each retailer of motor fuel

1 and gasohol shall cause the following notice to be posted in a
2 prominently visible place on each retail dispensing device that
3 is used to dispense motor fuel or gasohol in the State of
4 Illinois: "As of July 1, 2000, the State of Illinois has
5 eliminated the State's share of sales tax on motor fuel and
6 gasohol through December 31, 2000. The price on this pump
7 should reflect the elimination of the tax." The notice shall be
8 printed in bold print on a sign that is no smaller than 4
9 inches by 8 inches. The sign shall be clearly visible to
10 customers. Any retailer who fails to post or maintain a
11 required sign through December 31, 2000 is guilty of a petty
12 offense for which the fine shall be \$500 per day per each
13 retail premises where a violation occurs.

14 With respect to gasohol, as defined in the Use Tax Act, the
15 tax imposed by this Act applies to (i) 70% of the proceeds of
16 sales made on or after January 1, 1990, and before July 1,
17 2003, (ii) 80% of the proceeds of sales made on or after July
18 1, 2003 and on or before December 31, 2013, and (iii) 100% of
19 the proceeds of sales made thereafter. If, at any time,
20 however, the tax under this Act on sales of gasohol, as defined
21 in the Use Tax Act, is imposed at the rate of 1.25%, then the
22 tax imposed by this Act applies to 100% of the proceeds of
23 sales of gasohol made during that time.

24 With respect to majority blended ethanol fuel, as defined
25 in the Use Tax Act, the tax imposed by this Act does not apply
26 to the proceeds of sales made on or after July 1, 2003 and on or

1 before December 31, 2013 but applies to 100% of the proceeds of
2 sales made thereafter.

3 With respect to biodiesel blends, as defined in the Use Tax
4 Act, with no less than 1% and no more than 10% biodiesel, the
5 tax imposed by this Act applies to (i) 80% of the proceeds of
6 sales made on or after July 1, 2003 and on or before December
7 31, 2013 and (ii) 100% of the proceeds of sales made
8 thereafter. If, at any time, however, the tax under this Act on
9 sales of biodiesel blends, as defined in the Use Tax Act, with
10 no less than 1% and no more than 10% biodiesel is imposed at
11 the rate of 1.25%, then the tax imposed by this Act applies to
12 100% of the proceeds of sales of biodiesel blends with no less
13 than 1% and no more than 10% biodiesel made during that time.

14 With respect to 100% biodiesel, as defined in the Use Tax
15 Act, and biodiesel blends, as defined in the Use Tax Act, with
16 more than 10% but no more than 99% biodiesel, the tax imposed
17 by this Act does not apply to the proceeds of sales made on or
18 after July 1, 2003 and on or before December 31, 2013 but
19 applies to 100% of the proceeds of sales made thereafter.

20 With respect to food for human consumption that is to be
21 consumed off the premises where it is sold (other than
22 alcoholic beverages, soft drinks, and food that has been
23 prepared for immediate consumption) and prescription and
24 nonprescription medicines, drugs, medical appliances,
25 modifications to a motor vehicle for the purpose of rendering
26 it usable by a disabled person, and insulin, urine testing

1 materials, syringes, and needles used by diabetics, for human
2 use, the tax is imposed at the rate of 1%. For the purposes of
3 this Section, until September 1, 2009: the term "soft drinks"
4 means any complete, finished, ready-to-use, non-alcoholic
5 drink, whether carbonated or not, including but not limited to
6 soda water, cola, fruit juice, vegetable juice, carbonated
7 water, and all other preparations commonly known as soft drinks
8 of whatever kind or description that are contained in any
9 closed or sealed bottle, can, carton, or container, regardless
10 of size; but "soft drinks" does not include coffee, tea,
11 non-carbonated water, infant formula, milk or milk products as
12 defined in the Grade A Pasteurized Milk and Milk Products Act,
13 or drinks containing 50% or more natural fruit or vegetable
14 juice.

15 Notwithstanding any other provisions of this Act,
16 beginning September 1, 2009, "soft drinks" means non-alcoholic
17 beverages that contain natural or artificial sweeteners. "Soft
18 drinks" do not include beverages that contain milk or milk
19 products, soy, rice or similar milk substitutes, or greater
20 than 50% of vegetable or fruit juice by volume.

21 Until August 1, 2009, and notwithstanding any other
22 provisions of this Act, "food for human consumption that is to
23 be consumed off the premises where it is sold" includes all
24 food sold through a vending machine, except soft drinks and
25 food products that are dispensed hot from a vending machine,
26 regardless of the location of the vending machine. Beginning

1 August 1, 2009, and notwithstanding any other provisions of
2 this Act, "food for human consumption that is to be consumed
3 off the premises where it is sold" includes all food sold
4 through a vending machine, except soft drinks, candy, and food
5 products that are dispensed hot from a vending machine,
6 regardless of the location of the vending machine.

7 Notwithstanding any other provisions of this Act,
8 beginning September 1, 2009, "food for human consumption that
9 is to be consumed off the premises where it is sold" does not
10 include candy. For purposes of this Section, "candy" means a
11 preparation of sugar, honey, or other natural or artificial
12 sweeteners in combination with chocolate, fruits, nuts or other
13 ingredients or flavorings in the form of bars, drops, or
14 pieces. "Candy" does not include any preparation that contains
15 flour or requires refrigeration.

16 Notwithstanding any other provisions of this Act,
17 beginning September 1, 2009, "nonprescription medicines and
18 drugs" does not include grooming and hygiene products.
19 Beginning on the effective date of this amendatory Act of the
20 97th General Assembly, "prescription and nonprescription
21 medicines and drugs" includes medical cannabis purchased from a
22 registered nonprofit medical cannabis organization under the
23 Compassionate Use of Medical Cannabis Pilot Program Act. For
24 purposes of this Section, "grooming and hygiene products"
25 includes, but is not limited to, soaps and cleaning solutions,
26 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan

1 lotions and screens, unless those products are available by
2 prescription only, regardless of whether the products meet the
3 definition of "over-the-counter-drugs". For the purposes of
4 this paragraph, "over-the-counter-drug" means a drug for human
5 use that contains a label that identifies the product as a drug
6 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
7 label includes:

8 (A) A "Drug Facts" panel; or

9 (B) A statement of the "active ingredient(s)" with a
10 list of those ingredients contained in the compound,
11 substance or preparation.

12 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
13 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1012, eff. 7-7-10.)

14 Section 145. The Illinois Vehicle Code is amended by
15 changing Section 11-501 and by adding Section 11-501.9 as
16 follows:

17 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

18 Sec. 11-501. Driving while under the influence of alcohol,
19 other drug or drugs, intoxicating compound or compounds or any
20 combination thereof.

21 (a) A person shall not drive or be in actual physical
22 control of any vehicle within this State while:

23 (1) the alcohol concentration in the person's blood or
24 breath is 0.08 or more based on the definition of blood and

1 breath units in Section 11-501.2;

2 (2) under the influence of alcohol;

3 (3) under the influence of any intoxicating compound or
4 combination of intoxicating compounds to a degree that
5 renders the person incapable of driving safely;

6 (4) under the influence of any other drug or
7 combination of drugs to a degree that renders the person
8 incapable of safely driving;

9 (5) under the combined influence of alcohol, other drug
10 or drugs, or intoxicating compound or compounds to a degree
11 that renders the person incapable of safely driving; or

12 (6) there is any amount of a drug, substance, or
13 compound in the person's breath, blood, or urine resulting
14 from the unlawful use or consumption of cannabis listed in
15 the Cannabis Control Act, a controlled substance listed in
16 the Illinois Controlled Substances Act, an intoxicating
17 compound listed in the Use of Intoxicating Compounds Act,
18 or methamphetamine as listed in the Methamphetamine
19 Control and Community Protection Act. Subject to all other
20 requirements set forth in this Act, for the purposes of
21 this subsection the lawful consumption of cannabis by a
22 qualifying patient licensed under the Compassionate Use of
23 Medical Cannabis Pilot Program Act who is in possession of
24 a valid registry card shall be governed by the provisions
25 set forth in Section 11-501.9.

26 (b) The fact that any person charged with violating this

1 Section is or has been legally entitled to use alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or any
3 combination thereof, shall not constitute a defense against any
4 charge of violating this Section.

5 (c) Penalties.

6 (1) Except as otherwise provided in this Section, any
7 person convicted of violating subsection (a) of this
8 Section is guilty of a Class A misdemeanor.

9 (2) A person who violates subsection (a) or a similar
10 provision a second time shall be sentenced to a mandatory
11 minimum term of either 5 days of imprisonment or 240 hours
12 of community service in addition to any other criminal or
13 administrative sanction.

14 (3) A person who violates subsection (a) is subject to
15 6 months of imprisonment, an additional mandatory minimum
16 fine of \$1,000, and 25 days of community service in a
17 program benefiting children if the person was transporting
18 a person under the age of 16 at the time of the violation.

19 (4) A person who violates subsection (a) a first time,
20 if the alcohol concentration in his or her blood, breath,
21 or urine was 0.16 or more based on the definition of blood,
22 breath, or urine units in Section 11-501.2, or 2 times the
23 cannabis in Section 11-501.9, shall be subject, in addition
24 to any other penalty that may be imposed, to a mandatory
25 minimum of 100 hours of community service and a mandatory
26 minimum fine of \$500.

1 (5) A person who violates subsection (a) a second time,
2 if at the time of the second violation the alcohol
3 concentration in his or her blood, breath, or urine was
4 0.16 or more based on the definition of blood, breath, or
5 urine units in Section 11-501.2, or 2 times the cannabis in
6 Section 11-501.9, shall be subject, in addition to any
7 other penalty that may be imposed, to a mandatory minimum
8 of 2 days of imprisonment and a mandatory minimum fine of
9 \$1,250.

10 (d) Aggravated driving under the influence of alcohol,
11 other drug or drugs, or intoxicating compound or compounds, or
12 any combination thereof.

13 (1) Every person convicted of committing a violation of
14 this Section shall be guilty of aggravated driving under
15 the influence of alcohol, other drug or drugs, or
16 intoxicating compound or compounds, or any combination
17 thereof if:

18 (A) the person committed a violation of subsection
19 (a) or a similar provision for the third or subsequent
20 time;

21 (B) the person committed a violation of subsection
22 (a) while driving a school bus with persons 18 years of
23 age or younger on board;

24 (C) the person in committing a violation of
25 subsection (a) was involved in a motor vehicle accident
26 that resulted in great bodily harm or permanent

1 disability or disfigurement to another, when the
2 violation was a proximate cause of the injuries;

3 (D) the person committed a violation of subsection
4 (a) and has been previously convicted of violating
5 Section 9-3 of the Criminal Code of 1961 or a similar
6 provision of a law of another state relating to
7 reckless homicide in which the person was determined to
8 have been under the influence of alcohol, other drug or
9 drugs, or intoxicating compound or compounds as an
10 element of the offense or the person has previously
11 been convicted under subparagraph (C) or subparagraph
12 (F) of this paragraph (1);

13 (E) the person, in committing a violation of
14 subsection (a) while driving at any speed in a school
15 speed zone at a time when a speed limit of 20 miles per
16 hour was in effect under subsection (a) of Section
17 11-605 of this Code, was involved in a motor vehicle
18 accident that resulted in bodily harm, other than great
19 bodily harm or permanent disability or disfigurement,
20 to another person, when the violation of subsection (a)
21 was a proximate cause of the bodily harm;

22 (F) the person, in committing a violation of
23 subsection (a), was involved in a motor vehicle,
24 snowmobile, all-terrain vehicle, or watercraft
25 accident that resulted in the death of another person,
26 when the violation of subsection (a) was a proximate

1 cause of the death;

2 (G) the person committed a violation of subsection
3 (a) during a period in which the defendant's driving
4 privileges are revoked or suspended, where the
5 revocation or suspension was for a violation of
6 subsection (a) or a similar provision, Section
7 11-501.1, 11-501.9, paragraph (b) of Section 11-401,
8 or for reckless homicide as defined in Section 9-3 of
9 the Criminal Code of 1961;

10 (H) the person committed the violation while he or
11 she did not possess a driver's license or permit or a
12 restricted driving permit or a judicial driving permit
13 or a monitoring device driving permit;

14 (I) the person committed the violation while he or
15 she knew or should have known that the vehicle he or
16 she was driving was not covered by a liability
17 insurance policy;

18 (J) the person in committing a violation of
19 subsection (a) was involved in a motor vehicle accident
20 that resulted in bodily harm, but not great bodily
21 harm, to the child under the age of 16 being
22 transported by the person, if the violation was the
23 proximate cause of the injury; or

24 (K) the person in committing a second violation of
25 subsection (a) or a similar provision was transporting
26 a person under the age of 16.

1 (2) (A) Except as provided otherwise, a person
2 convicted of aggravated driving under the influence of
3 alcohol, other drug or drugs, or intoxicating compound or
4 compounds, or any combination thereof is guilty of a Class
5 4 felony.

6 (B) A third violation of this Section or a similar
7 provision is a Class 2 felony. If at the time of the third
8 violation the alcohol concentration in his or her blood,
9 breath, or urine was 0.16 or more based on the definition
10 of blood, breath, or urine units in Section 11-501.2, a
11 mandatory minimum of 90 days of imprisonment and a
12 mandatory minimum fine of \$2,500 shall be imposed in
13 addition to any other criminal or administrative sanction.
14 If at the time of the third violation, the defendant was
15 transporting a person under the age of 16, a mandatory fine
16 of \$25,000 and 25 days of community service in a program
17 benefiting children shall be imposed in addition to any
18 other criminal or administrative sanction.

19 (C) A fourth violation of this Section or a similar
20 provision is a Class 2 felony, for which a sentence of
21 probation or conditional discharge may not be imposed. If
22 at the time of the violation, the alcohol concentration in
23 the defendant's blood, breath, or urine was 0.16 or more
24 based on the definition of blood, breath, or urine units in
25 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
26 be imposed in addition to any other criminal or

1 administrative sanction. If at the time of the fourth
2 violation, the defendant was transporting a person under
3 the age of 16 a mandatory fine of \$25,000 and 25 days of
4 community service in a program benefiting children shall be
5 imposed in addition to any other criminal or administrative
6 sanction.

7 (D) A fifth violation of this Section or a similar
8 provision is a Class 1 felony, for which a sentence of
9 probation or conditional discharge may not be imposed. If
10 at the time of the violation, the alcohol concentration in
11 the defendant's blood, breath, or urine was 0.16 or more
12 based on the definition of blood, breath, or urine units in
13 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
14 be imposed in addition to any other criminal or
15 administrative sanction. If at the time of the fifth
16 violation, the defendant was transporting a person under
17 the age of 16, a mandatory fine of \$25,000, and 25 days of
18 community service in a program benefiting children shall be
19 imposed in addition to any other criminal or administrative
20 sanction.

21 (E) A sixth or subsequent violation of this Section or
22 similar provision is a Class X felony. If at the time of
23 the violation, the alcohol concentration in the
24 defendant's blood, breath, or urine was 0.16 or more based
25 on the definition of blood, breath, or urine units in
26 Section 11-501.2, a mandatory minimum fine of \$5,000 shall

1 be imposed in addition to any other criminal or
2 administrative sanction. If at the time of the violation,
3 the defendant was transporting a person under the age of
4 16, a mandatory fine of \$25,000 and 25 days of community
5 service in a program benefiting children shall be imposed
6 in addition to any other criminal or administrative
7 sanction.

8 (F) For a violation of subparagraph (C) of paragraph
9 (1) of this subsection (d), the defendant, if sentenced to
10 a term of imprisonment, shall be sentenced to not less than
11 one year nor more than 12 years.

12 (G) A violation of subparagraph (F) of paragraph (1) of
13 this subsection (d) is a Class 2 felony, for which the
14 defendant, unless the court determines that extraordinary
15 circumstances exist and require probation, shall be
16 sentenced to: (i) a term of imprisonment of not less than 3
17 years and not more than 14 years if the violation resulted
18 in the death of one person; or (ii) a term of imprisonment
19 of not less than 6 years and not more than 28 years if the
20 violation resulted in the deaths of 2 or more persons.

21 (H) For a violation of subparagraph (J) of paragraph
22 (1) of this subsection (d), a mandatory fine of \$2,500, and
23 25 days of community service in a program benefiting
24 children shall be imposed in addition to any other criminal
25 or administrative sanction.

26 (I) A violation of subparagraph (K) of paragraph (1) of

1 this subsection (d), is a Class 2 felony and a mandatory
2 fine of \$2,500, and 25 days of community service in a
3 program benefiting children shall be imposed in addition to
4 any other criminal or administrative sanction. If the child
5 being transported suffered bodily harm, but not great
6 bodily harm, in a motor vehicle accident, and the violation
7 was the proximate cause of that injury, a mandatory fine of
8 \$5,000 and 25 days of community service in a program
9 benefiting children shall be imposed in addition to any
10 other criminal or administrative sanction.

11 (J) A violation of subparagraph (D) of paragraph (1) of
12 this subsection (d) is a Class 3 felony, for which a
13 sentence of probation or conditional discharge may not be
14 imposed.

15 (3) Any person sentenced under this subsection (d) who
16 receives a term of probation or conditional discharge must
17 serve a minimum term of either 480 hours of community
18 service or 10 days of imprisonment as a condition of the
19 probation or conditional discharge in addition to any other
20 criminal or administrative sanction.

21 (e) Any reference to a prior violation of subsection (a) or
22 a similar provision includes any violation of a provision of a
23 local ordinance or a provision of a law of another state or an
24 offense committed on a military installation that is similar to
25 a violation of subsection (a) of this Section.

26 (f) The imposition of a mandatory term of imprisonment or

1 assignment of community service for a violation of this Section
2 shall not be suspended or reduced by the court.

3 (g) Any penalty imposed for driving with a license that has
4 been revoked for a previous violation of subsection (a) of this
5 Section shall be in addition to the penalty imposed for any
6 subsequent violation of subsection (a).

7 (h) For any prosecution under this Section, a certified
8 copy of the driving abstract of the defendant shall be admitted
9 as proof of any prior conviction.

10 (Source: P.A. 95-149, eff. 8-14-07; 95-355, eff. 1-1-08;
11 95-400, eff. 1-1-09; 95-578, eff. 6-1-08; 95-778, eff. 8-4-08;
12 95-876, eff. 8-21-08; 96-289, eff. 8-11-09.)

13 (625 ILCS 5/11-501.9 new)

14 Sec. 11-501.9. Medical cannabis; qualifying patient;
15 restrictions.

16 (a) No person who is a qualifying patient in possession of
17 a valid registry card under the Compassionate Use of Medical
18 Cannabis Pilot Program Act may operate a motor vehicle unless 6
19 hours have passed from the time that the qualifying patient
20 last consumed medical cannabis.

21 (b) No person who is a qualifying patient in possession of
22 a valid registry card under the Compassionate Use of Medical
23 Cannabis Pilot Program Act who has a concentration of cannabis
24 in the person's urine of at least 15 nanograms of cannabis per
25 milliliter of the person's urine or has a concentration of

1 cannabis in the person's whole blood of at least 5 nanograms of
2 cannabis per milliliter of the person's whole blood shall drive
3 or be in actual physical control of any vehicle within this
4 State.

5 (c) The sole fact that the person is a qualifying patient
6 under the Compassionate Use of Medical Cannabis Pilot Program
7 Act in possession of a registry card shall not constitute
8 reasonable suspicion or probable cause that there is a
9 violation under this Section or elsewhere.

10 (d) Any violation of this Section shall subject the
11 offender to the penalties set forth in Section 11-501 and all
12 other appropriate sanctions under law.

13 Section 150. The Cannabis Control Act is amended by
14 changing Sections 4, 5, 8, 9, and 16.1 as follows:

15 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

16 Sec. 4. It is unlawful for any person knowingly to possess
17 cannabis. Any person who violates this section with respect to:

18 (a) not more than 2.5 grams of any substance containing
19 cannabis is guilty of a Class C misdemeanor;

20 (b) more than 2.5 grams but not more than 10 grams of
21 any substance containing cannabis is guilty of a Class B
22 misdemeanor;

23 (c) more than 10 grams but not more than 30 grams of
24 any substance containing cannabis is guilty of a Class A

1 misdemeanor; provided, that if any offense under this
2 subsection (c) is a subsequent offense, the offender shall
3 be guilty of a Class 4 felony;

4 (d) more than 30 grams but not more than 500 grams of
5 any substance containing cannabis is guilty of a Class 4
6 felony; provided that if any offense under this subsection
7 (d) is a subsequent offense, the offender shall be guilty
8 of a Class 3 felony;

9 (e) more than 500 grams but not more than 2,000 grams
10 of any substance containing cannabis is guilty of a Class 3
11 felony;

12 (f) more than 2,000 grams but not more than 5,000 grams
13 of any substance containing cannabis is guilty of a Class 2
14 felony;

15 (g) more than 5,000 grams of any substance containing
16 cannabis is guilty of a Class 1 felony; -

17 (h) if any offense is committed under subsection (a) or
18 (b) and the defendant is a registered nonprofit medical
19 cannabis organization agent, the defendant is guilty of a
20 Class 4 felony;

21 (i) if any offense is committed under subsection (c)
22 and the defendant is a registered nonprofit medical
23 cannabis organization agent, the defendant is guilty of a
24 Class 3 felony;

25 (j) if any offense is committed under subsection (d)
26 and the defendant is a registered nonprofit medical

1 cannabis organization agent, the defendant is guilty of a
2 Class 2 felony;

3 (k) if any offense is committed under subsection (e)
4 and the defendant is a registered nonprofit medical
5 cannabis organization agent, the defendant is guilty of a
6 Class 1 felony;

7 (l) if any offense is committed under subsection (f)
8 and the defendant is a registered nonprofit medical
9 cannabis organization agent, the defendant is guilty of a
10 Class X felony; or

11 (m) if any offense is committed under subsection (g)
12 and the defendant is a registered nonprofit medical
13 cannabis organization agent, the defendant is guilty of a
14 Class X felony extended term.

15 (Source: P.A. 90-397, eff. 8-15-97.)

16 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

17 Sec. 5. It is unlawful for any person knowingly to
18 manufacture, deliver, or possess with intent to deliver, or
19 manufacture, cannabis. Any person who violates this section
20 with respect to:

21 (a) not more than 2.5 grams of any substance containing
22 cannabis is guilty of a Class B misdemeanor;

23 (b) more than 2.5 grams but not more than 10 grams of any
24 substance containing cannabis is guilty of a Class A
25 misdemeanor;

1 (c) more than 10 grams but not more than 30 grams of any
2 substance containing cannabis is guilty of a Class 4 felony;

3 (d) more than 30 grams but not more than 500 grams of any
4 substance containing cannabis is guilty of a Class 3 felony for
5 which a fine not to exceed \$50,000 may be imposed;

6 (e) more than 500 grams but not more than 2,000 grams of
7 any substance containing cannabis is guilty of a Class 2 felony
8 for which a fine not to exceed \$100,000 may be imposed;

9 (f) more than 2,000 grams but not more than 5,000 grams of
10 any substance containing cannabis is guilty of a Class 1 felony
11 for which a fine not to exceed \$150,000 may be imposed;

12 (g) more than 5,000 grams of any substance containing
13 cannabis is guilty of a Class X felony for which a fine not to
14 exceed \$200,000 may be imposed; ▯

15 (h) if any offense is committed under subsections (a), (b)
16 or (c) and the defendant is a registered nonprofit medical
17 cannabis organization agent, the defendant is guilty of a Class
18 3 felony;

19 (i) if any offense is committed under subsection (d) and
20 the defendant is a registered nonprofit medical cannabis
21 organization agent, the defendant is guilty of a Class 2
22 felony;

23 (j) if any offense is committed under subsection (e) and
24 the defendant is a registered nonprofit medical cannabis
25 organization agent, the defendant is guilty of a Class 1
26 felony;

1 (k) if any offense is committed under subsection (f) and
2 the defendant is a registered nonprofit medical cannabis
3 organization agent, the defendant is guilty of a Class X
4 felony; or

5 (l) if any offense is committed under subsection (g) and
6 the defendant is a registered nonprofit medical cannabis
7 organization agent, the defendant is guilty of a Class X with
8 an extended term.

9 (Source: P.A. 90-397, eff. 8-15-97.)

10 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

11 Sec. 8. It is unlawful for any person knowingly to produce
12 the cannabis sativa plant or to possess such plants unless
13 production or possession has been authorized pursuant to the
14 provisions of Section 11 of the Act. Any person who violates
15 this Section with respect to production or possession of:

16 (a) Not more than 5 plants is guilty of a Class A
17 misdemeanor.

18 (b) More than 5, but not more than 20 plants, is guilty of
19 a Class 4 felony.

20 (c) More than 20, but not more than 50 plants, is guilty of
21 a Class 3 felony.

22 (d) More than 50, but not more than 200 plants, is guilty
23 of a Class 2 felony for which a fine not to exceed \$100,000 may
24 be imposed and for which liability for the cost of conducting
25 the investigation and eradicating such plants may be assessed.

1 Compensation for expenses incurred in the enforcement of this
2 provision shall be transmitted to and deposited in the
3 treasurer's office at the level of government represented by
4 the Illinois law enforcement agency whose officers or employees
5 conducted the investigation or caused the arrest or arrests
6 leading to the prosecution, to be subsequently made available
7 to that law enforcement agency as expendable receipts for use
8 in the enforcement of laws regulating controlled substances and
9 cannabis. If such seizure was made by a combination of law
10 enforcement personnel representing different levels of
11 government, the court levying the assessment shall determine
12 the allocation of such assessment. The proceeds of assessment
13 awarded to the State treasury shall be deposited in a special
14 fund known as the Drug Traffic Prevention Fund.

15 (e) More than 200 plants is guilty of a Class 1 felony for
16 which a fine not to exceed \$100,000 may be imposed and for
17 which liability for the cost of conducting the investigation
18 and eradicating such plants may be assessed. Compensation for
19 expenses incurred in the enforcement of this provision shall be
20 transmitted to and deposited in the treasurer's office at the
21 level of government represented by the Illinois law enforcement
22 agency whose officers or employees conducted the investigation
23 or caused the arrest or arrests leading to the prosecution, to
24 be subsequently made available to that law enforcement agency
25 as expendable receipts for use in the enforcement of laws
26 regulating controlled substances and cannabis. If such seizure

1 was made by a combination of law enforcement personnel
2 representing different levels of government, the court levying
3 the assessment shall determine the allocation of such
4 assessment. The proceeds of assessment awarded to the State
5 treasury shall be deposited in a special fund known as the Drug
6 Traffic Prevention Fund.

7 (Source: P.A. 95-247, eff. 1-1-08.)

8 (720 ILCS 550/9) (from Ch. 56 1/2, par. 709)

9 Sec. 9. (a) Any person who engages in a calculated criminal
10 cannabis conspiracy, as defined in subsection (b), is guilty of
11 a Class 3 felony, and fined not more than \$200,000 and shall be
12 subject to the forfeitures prescribed in subsection (c); except
13 that, if any person engages in such offense after one or more
14 prior convictions under this Section, Section 4 (d), Section 5
15 (d), Section 8 (d) or any law of the United States or of any
16 State relating to cannabis, or controlled substances as defined
17 in the Illinois Controlled Substances Act, in addition to the
18 fine and forfeiture authorized above, he shall be guilty of a
19 Class 1 felony for which an offender may not be sentenced to
20 death; if any offense is committed under this Section and the
21 defendant is a registered nonprofit medical cannabis
22 organization agent, the defendant is guilty of a Class X
23 felony.

24 (b) For purposes of this section, a person engages in a
25 calculated criminal cannabis conspiracy when:

1 (1) he violates Section 4 (d), 4 (e), 5 (d), 5 (e), 8 (c) or
2 8 (d) of this Act; and

3 (2) such violation is a part of a conspiracy undertaken or
4 carried on with 2 or more other persons; and

5 (3) he obtains anything of value greater than \$500 from, or
6 organizes, directs or finances such violation or conspiracy.

7 (c) Any person who is convicted under this Section of
8 engaging in a calculated criminal cannabis conspiracy shall
9 forfeit to the State of Illinois:

10 (1) the receipts obtained by him in such conspiracy; and

11 (2) any of his interests in, claims against, receipts from,
12 or property or rights of any kind affording a source of
13 influence over, such conspiracy.

14 (d) The circuit court may enter such injunctions,
15 restraining orders, directions, or prohibitions, or take such
16 other actions, including the acceptance of satisfactory
17 performance bonds, in connection with any property, claim,
18 receipt, right or other interest subject to forfeiture under
19 this Section, as it deems proper.

20 (Source: P.A. 84-1233.)

21 (720 ILCS 550/16.1) (from Ch. 56 1/2, par. 716.1)

22 Sec. 16.1. In any prosecution for any violation of this
23 Act, it shall be an affirmative defense that the substance
24 possessed by the defendant was regulated as a controlled
25 substance under the Illinois Controlled Substances Act or

1 pursuant to the Compassionate Use of Medical Cannabis Pilot
2 Program Act. In order to raise this affirmative defense, the
3 defendant shall give notice thereof to the State not less than
4 7 days prior to trial.

5 (Source: P.A. 84-1313; 84-1362.)

6 (720 ILCS 550/11 rep.)

7 (720 ILCS 550/15 rep.)

8 Section 155. The Cannabis Control Act is amended by
9 repealing Sections 11 and 15.

10 Section 160. Severability. The provisions of this Act are
11 severable under Section 1.31 of the Statute on Statutes.

12 Section 999. Effective date. This Act takes effect upon
13 becoming law.